

**MINUTES  
BOARD OF VARIANCE  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
JUNE 13, 2018 AT 6:00 P.M.**

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Members: H. Charania, D. Gunn (Chair), M. Horner, R. Riddett  
Regrets: R. Gupta  
Staff: L. Gudavicius, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by H. Charania and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held May 9, 2018 be adopted as amended.

CARRIED

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**Cordova Bay Road Seawall**      **Applicant: Lorayne Harris**  
**Property: 4969 Cordova Bay Road**  
**Variance: Relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.0 m**

BOV #00718      The Notice of Meeting was read and the applicant's letter received.

Applicants: Lorayne and Richard Harris, applicant/owners, were present in support of the application. In reply to questions of the Board they stated:

- The property has been in the family for 84 years and in that time they have seen many changes to the shoreline. The storms seem to get worse each year.
- Boulders are falling out of the existing seawall.
- They live in Vancouver but are at this property every couple of weeks, and family will occasionally stay in the house as well.
- The height they are asking for is based on the height their neighbour received. They feel the seawalls should all be the same height otherwise water will funnel into lower areas and cause more damage. Having a similar size will also look better along the beach.
- They are happy with the existing height and just want to be able to maintain the wall and do future repairs. If the neighbour ends up building to the 3 metres then they will do the same.
- They have to climb down the rocks to get down to the beach.

One Board member noted the significant erosion in the area since he was a child. Homes that were once at water level are now about 6-8 feet higher.

Public input: 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 5.16(b), further to the construction/repair of a seawall on Lot 12, Section 29, Lake District, Plan VIP857 (4969 Cordova Bay Road):**

**a) relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.0 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."**

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Board comments:

- There is a clear hardship as the property will erode over time without protection.
- Allowing 3 metres is compatible with the neighbour’s request and allows for a safety margin for future storms.
- Question was raised whether the 3 metres is an arbitrary number.
- The geotechnical report seems to support the 3 metre measurement in the shoreline protection measures document.

**The Motion was then Put and CARRIED**

Alvarado Terrace Addition      **Applicant: Rene and Lee Wright**  
**Property: 820 Alvarado Terrace**  
**Variance: Relaxation of rear lot line from 12.0 m to 8.78 m**

BOV #00719      The Notice of Meeting was read and the applicant’s letter received. Mr. Gunn stated that he met with Mr. Wright during the site visit.

Applicants:      Lee Wright, applicant/owner and Peter Schionning, SOS Design, were present in support of the application. The following was noted:

- The house was built in 1973.
- The northwest corner is already non-compliant at 8.6 metres. The variance they are asking for on the same side is smaller than this.

Public input:      Nil

**MOTION:      MOVED by M. Horner and Seconded by H. Charania: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(ii), further to the construction of an addition to the house on Lot 7, Section 28, Lake District Plan 19821 (820 Alvarado Terrace):**

**a) relaxation of rear lot line from 12.0 m to 8.78 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 house already being non-compliant.
- They are forced to consider the side of the house as the rear lot line.
- The shape of the lot and the siting of the house is a hardship that deserves relief.

**The Motion was then Put and CARRIED**

Michelle Place Addition      **Applicant: Aspire Custom Designs OBO Daryl Harrison**  
**Property: 1605 Michelle Place**  
**Variance: Relaxation of interior side lot line from 1.5 m to 1.40 m**

BOV #00721      The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from three residences.

Applicants:      Lindsay Baker, Designer, was present in support of the application and noted that they had hoped to avoid a variance but the existing concrete foundation is non-compliant. The following was noted:

- The combined front and rear measurement is compliant.

- There are no plans for a secondary suite.
- The addition is to give the family more space.
- To comply would mean they would have to have a beam installed in order to carry the load from above.
- The existing house is legal non-conforming and they are not asking for more than what exists.

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 210.4(a)(ii), further to the construction of an addition to the house on Lot 10, Section 17, Victoria District, Plan 19948 (1605 Michelle Place):**

**a) relaxation of interior side lot line from 1.5 m to 1.40 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 very minor variance.
- The house and existing non-conforming.
- There is an obvious hardship.

**The Motion was then Put and CARRIED**

Waring Place  
Accessory  
building

**Applicant: David Adams OBO Bill and Barbara Davis**  
**Property: 3761 Waring Place**  
**Variance: Relaxation of front lot line from 7.5 m to 1.80 m**

BOV#00722

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from three residences. M. Horner and D. Gunn stated they met with the owner on the site visit.

Applicants:

William Davis, owner, was present in support of the application and had nothing to add. In reply to questions from the Board, the following was noted:

- The house that they rebuilt in 2016 was less than 100 square feet larger than the original house.
- They were given a variance for the house in 2016 because of the Environmental Development Permit Area (EDPA).
- If the request is denied, their vehicle will always be exposed to the weather and the property will look unfinished from the front.
- They have owned the property since either 2006 or 2007 and they never thought they would need a carport.
- The area is currently used as unsheltered parking. They want a carport, not a garage.

One member suggested that this could be viewed as an incremental variance with the house previously being granted a variance. The Zoning Officer stated that the previous variance was required due to the EDPA, which no longer exists.

Public input: Nil

**MOTION:** **MOVED** by H. Charania: “That the variance request to relax the front lot line from 7.5 m to 1.80 m, from requirements of Zoning Bylaw 2003, Section 255.4(a)(i), further to the construction of an accessory building (carport) at Lot 2, Section 44, Victoria District, Plan VIP13254 (3761 Waring Place) be **DENIED.**”

**The Motion DIED due to the lack of a Seconder**

**MOTION:** **MOVED** by R. Riddett and **Seconded** by M. Horner: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 255.4(a)(i), further to the construction of an accessory building (carport) at Lot 2, Section 44, Victoria District, Plan VIP13254 (3761 Waring Place):

- a) relaxation of front lot line from 7.5 m to 1.80 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 difficult lot to work with, and the owners were following the existing footprint for the 2016 variance. At that time the EDPA and the definition of the yard forced the variance request.
- The front setbacks are really for the benefit of neighbours, and the neighbours are in support.
- This is an unusual lot and there is a shared driveway. A carport will not provide any visual interference and will suit the look and feel of the area.
- There is no clear connection between this application and the first variance, as these are different circumstances. Also the other setbacks are significant.
- This feels like a major variance and the justification is not a reasonable hardship.

**The Motion was then Put and CARRIED  
With H. Charania OPPOSED**

Mortimer Street  
Addition

**Applicant:** Gary Bates OBO Ann Laing and Patrick Lee  
**Property:** 1765 Mortimer Street  
**Variance:** Relaxation of rear lot line from 7.5 m to 7.08 m

BOV #00723

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

Applicants:

Ann Laing, owner, was present in support of the application. She stated this is the original home in the area and they purchased it last year. In reply to questions from the Board the following was noted.

- They lifted their house and put it on the same footprint.
- They renovated, removed asbestos and brought the building to Code, and the challenge was the design of the original stairs, as they originally went substantially into the back yard.
- The house was lifted by two feet total and structural issues were fixed.
- They love the upstairs and want to keep the character of the house intact.
- The stairs will project less into the setback, and the tree roots will be protected.

A Board member commented that they spoke with the contractor on site and were told this is basically a rebuild.

Public input: 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 210.4(a)(i), further to the construction of an addition to the house on Lot 2, Section 40, Victoria District, Plan EPP71726 (1765 Mortimer Street):**

a) relaxation of rear lot line from 7.5 m to 7.08 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, the hardship is clear and there is good reason to support this application.
- The redesign of the stairs being flush to the house is appreciated.
- There is a challenge in renovating older homes.

**The Motion was then Put and CARRIED**

Pat Bay Hwy  
New house

**Applicant: Jim and Tracey Marshall**  
**Property: 5621 Patricia Bay Highway**  
**Variance: Relaxation of height from 6.5 m to 7.95 m**

BOV #00725

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from three residences. Mr. Gunn stated he met the applicants on his site visit.

Applicants:

Jim and Tracey Marshall, owners/applicants were present in support of the application. They stated:

- They have owned the property for about 1 ½ years.
- They have an approved building permit for a 3:12 roof but would like to build lower, making the roof about two feet shorter. This will have less impact on neighbours.
- They have done the best to minimize the footprint and have designed a modest home in a treed site.
- They went to a 2 storey design in order to minimize tree cutting.

In reply to questions from the Board, they stated:

- The property is not within the Agricultural Land Reserve.
- The area above the garage will be used as living space.
- They are trying to keep the massing down. A diagram was provided which shows the massing difference between a 2:12 roof versus a 3:12 roof.

Public input: Nil

**MOTION:** **MOVED by M. Horner and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.5(b)(i), further to the construction of a new house on Lot 1, Section 39/0, Lake District, Plan 31333 (5621 Patricia Bay Highway):**

a) relaxation of height from 6.5 m to 7.95 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 effort to reduce the massing is appreciated.
- This design is preferable to what is permitted under the Zoning Bylaw.
- The slope and the treed landscape are a hardship.

**The Motion was then Put and CARRIED**

Thunderbird Place Addition

**Applicant: Alan Pratten OBO Susan Day**  
**Property: 4961 Thunderbird Place**  
**Variance: Relaxation of rear lot line from 10.5 m to 5.14 m**  
**Relaxation of height from 6.5 m to 6.72 m for a flat roof**

BOV #00716

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

Applicants:

Alan Pratten, applicant, Susan Day, owner, and Vadim Melamed, designer were present in support of the application. The following was noted:

- They feel this is a nice design and the house has a good flow to it.
- The proposed design expands the size of the home a little more.
- They are tearing down to the studs and foundation.
- A new roof system is being installed and what is proposed is no higher than existing.

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

- There is a covenant on the property that is not relevant to this application.
- This is a 10,000 square foot lot in a private and wooded area.
- They would like their deck to be on the north east corner where the best views are.
- The proposed house will not block any views.
- There is some question as to the back yard location. The area that the deck was placed was considered the side yard when it was originally built.
- The new roof will be a flat roof.

Board comments:

- Because the site was not marked it was difficult to determine the look of the proposed renovation.
- The site plan was also difficult to read.

In reply to this an explanation was given about the deck on the site plan. The deck is the only new portion; they will remove the front part of the deck and extend it back. The carport will be used for vehicles. The deck will stay the same on the side and will extend on the back. This back extension causes the encroachment.

The Zoning Officer stated that the definition of the rear lot line (the lines that are most opposite to the front lot line) make it so this property has two rear lot lines and this triggers the rear lot line variance request.

Public input:

Nil

**MOTION:**                **MOVED** by R. Riddett and **Seconded** by H. Charania: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 250.4(a)(ii) and 250.4(b)(i) and (ii), further to the construction of an addition to the house on Lot 1, Section 29, Lake District, Plan VIP 89059 (4961 Thunderbird Place):

- a) relaxation of rear lot line from 10.5 m to 5.14 m
- b) relaxation of height from 6.5 m to 6.72 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 definitions of rear yard/side yard are a technicality.
- The height does not detract from anything.
- This is a good upgrade to the house.
- The property having five sides is confusing and causes a hardship.
- The topography is difficult to work with; the variance is justified.
- They are not increasing the living space and the deck is modest.
- The height request is minor given the slope.
- This does not go against the intent of the Bylaw.

**The Motion was then Put and CARRIED**

Synod Road Accessory building	<b>Applicant:</b> David Chapman Construction OBO Margaret Leck <b>Property:</b> 3831 Synod Road <b>Variance:</b> Relaxation of front lot line from 7.5 m to 1.5 m
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BOV #00720                The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from three residences.

Applicants:                Dave Chapman, applicant and Margaret Leck, owner, were present in support of the application. They replied to questions from the Board, and the following was noted:

- The Engineering department has informed them that a second driveway is not permitted. Because of this, they had to turn the garage 90 degrees, but this is of benefit as mature landscaping will be saved.
- The one driveway serves three houses.
- Currently they have to back out onto the street but the proposed design is safer in that they will back onto the driveway.
- There is no other place on the property to build a garage.
- One mature Oak tree would have to be removed and the rock wall would be removed.
- There is no alternative plan.

Public input:                Torsten Ely, Synod Road:

- Part of the neighbourhood appeal is that the houses are away from the road.
- Appreciates the need for a garage and the lack of space to park a car.
- There are established gardens in the area of the proposed garage.
- Expressed concern about the significant reduction in setback, almost to the side of the road.
- Is concerned that approving this could set a precedent.

The applicant stated:

- They were surprised about the size of the road allowance after having their property surveyed.
- Driving out of their yard is dangerous because they have to back out onto the street.
- Only the roof would show as existing hedging would hide the structure.
- Having a smaller structure closer to the house is not possible due to the pond and pathway.
- They tried to imagine the impact of having a garage in front of the home but it would take away from the front entry.
- Even going to a single car garage they would still need 20' x 12', and that size takes away the utility of the structure.
- They have lived there since 2002 and have never had a carport/garage there. The easement for the driveway is restrictive.

**MOTION:** **MOVED by H. Charania: “That the request for variance to relax the front lot line from 7.5 m to 1.5 m from the requirements of Zoning Bylaw 2003, Section 230.5(a)(i), further to the construction of an accessory building at Lot 1, Section 40, Victoria District, Plan 42236 (3831 Synod Road) be Denied.”**

**The Motion DIED due to the lack of a Seconder**

**MOTION:** **MOVED by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.5(a)(i), further to the construction of an accessory building at Lot 1, Section 40, Victoria District, Plan 42236 (3831 Synod Road):**

**a) relaxation of front lot line from 7.5 m to 1.5 m.”**

**The Motion DIED due to the lack of a Seconder**

Board comments:

- This is a major variance that would have significant impact on the area with tree and garden removal.
- Hardship is not justified.
- This would alter the streetscape and is not suitable for a garage.
- Most homes have a right-of-way in the front yard.
- One reason for the setback is to allow cars to park off street but the proposed 90 degree turn makes there no need for the setback
- This could improve traffic safety to allow cars to back onto the driveway instead of the road and there is reasonable landscaping between the road and the proposed structure.
- Letters of no objection have been received by neighbours.
- This is a major variance with environmental impact. The siting of the house and the topography is a hardship but there are other solutions.

The Zoning Officer noted that the intent of the Bylaw is not clear. Usually setbacks are to create a driveway in the front and to not park on the boulevard. That is why Engineering had them turn the building by 90 degrees.

**MOTION:** **MOVED by H. Charania and Seconded by M. Horner: “That the request for variance to relax the front lot line from 7.5 m to 1.5 m from the requirements of Zoning Bylaw 2003, Section 230.5(a)(i), further to the construction of an accessory building at Lot 1, Section 40, Victoria District, Plan 42236 (3831 Synod Road) be DENIED.”**

## Board comments:

- This is not a major road in terms of traffic.
- The look and feel of the neighbourhood would be changed if this is approved as presented.

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

Pullet Place  
New house and  
accessory  
building

**Applicant: Karn Dodd obo KSD Holdings**  
**Property: 4245 Pullet Place**  
**Variance: Relaxation of height from 7.5 m to 8.20 m**  
**Relaxation of single face height from 7.5 m to 8.50 m**  
**Relaxation of accessory building height from 3.75m to 4.10m**

BOV #00687

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

Applicants:

Karn Dodd and Cormal Dodd, applicants/owners, and Will Peereboom, Designer, were present in support of the application. The submitted five signatures of support for the application, and noted that the design for the homes was previously approved by Council. The following was noted:

- The lot they are building on is basically a hole; it sits at a very low grade.
- The proposed building is level with the street.
- There are large hydro rights-of-way on the property.
- The drainage pipe is 18" above grade and they have to drain the house services to this pipe.
- They cannot put in a basement so need an accessory building.
- The servicing in the road is 3 metres down, but the drainage pipe is too high.
- They have to fill the lot and put the house on a slab on grade.
- The proposed plan completely complies at with the building scheme approved by Council.

In reply to questions, the applicants stated:

- They were not sure how to mark the site for the Board's visit. The house on Lot 5 is similar in scale and massing.
- They went around to talk to the neighbours and have signatures of support.
- The concern expressed by one neighbour about bulk is surprising as there are trees between the properties. The neighbour will only see a small portion of the build.
- They have promised to keep as many trees as possible and they are trying to do this. They will work with an Arborist in this regard.
- These are the smallest houses they've ever built. They look bulky because of the narrow land and the hydro setbacks.
- They purchased the land without knowing it would be so difficult to develop.
- They are just asking to move the house up as they don't want to have water issues and they need to provide good drainage.

\*\*\* H. Charania excused himself at 8:15 pm \*\*\*

- They plan to add more compact base material. The storm drain is only down 2' above the pipe and they need to put in a perimeter drain.
- The driveways are shared.
- When they started to excavate Lot 5, water ran down the land. Lot 8 is a huge catch basin and they are hoping drainage will be better when they fill with rock.

- Public input: Catherine Scorey, Kincaid Street:
- There is about 1-2 metres difference in elevation between the houses on Pullet Place and the ones on Kincaid Street.
  - She has spoken with some neighbours and they asked her to speak on their behalf.
  - Questioned since they are bringing the house up, why did they not design the roof with a lower pitch.
  - Is hoping the trees will be preserved and is concerned that tree roots will be cut during construction.
  - Would have liked to have more information about this project before this point.
  - Inquired about parking with the shared driveways.

The applicant replied as follows:

- The driveways were determined with previous community input and with Council approval.
- The driveway configuration was described. Between the houses is a 24' parking area. They have a 3 metre wide driveway on each property line.
- They would like to build with lower rooflines but were told by Saanich staff that this would have to go back to Council for consideration if changes were made. They would have preferred to make more modern looking homes but they are confined to a minimum 6:12 roof because of the building scheme.

The Zoning Officer confirmed that there is a statutory building scheme in the development.

Sandeep Girm, Kincaid Street:

- The proposed house is prominent and the back yard slopes down.
- Questioned the amount of space behind the structure closest to the fence.

The designer stated that part of the conditions of the development is that the driveways are shared and the rooflines are at a certain pitch. They will put a 6' fence between the houses.

The applicant stated that they built on Lot 5 with no variances. They were not involved in the original approval process and are just trying to comply with the restrictions.

Catherine Scorey, Kincaid Street:

Suggested that a single storey dwelling would be more appropriate for this lot.

The applicant stated a single storey dwelling would result in a 1 bedroom home of about 790 square feet.

**MOTION:**

**MOVED by R. Riddett and Seconded by M. Horner: "That the request for variance from the requirements of Zoning Bylaw 2003, Sections 205.4(b)(i) and (ii) and 205.5(b), further to the construction of a new house and a new accessory building on Lot 8, Section 11, Lake District Plan EPS4249 (4245 Pullet Place) be TABLED until such time that a building scheme can be provided to the Board and that the applicant can consult further with the neighbours."**

Board comments:

- There has not been effective consultation with the neighbours.



ready for him and going through the permit process would have meant a long wait.

- The variances requested are for what is existing today. They are not building anything else.
- The addition at the back is what triggered the non-basement area variance request.
- They would like to buy a bigger home to accommodate their large family.
- The bump out at the front of the house where the living room is located is original to the house since he has lived there.
- The layout of the house makes no sense as it was originally built in 1919.

A Board member commented that the front steps are an improvement and that the height is already existing.

Public input:

Gail Gibbons, Obed Avenue:

- The new landing on the steps is extensive and people standing there can look directly into her bedroom, which is a privacy issue.
- The same problem exists with the back door, which also looks into a bedroom.
- She asked if the stair landing could be made smaller or if some sort of screening could be installed to increase her privacy.

In reply the applicant stated that there is a piece of lattice in place and they are waiting for plants to grow up it. They tried to make the stair landing private for themselves. There are some pine trees growing between the properties and he installed a fence around his property at his own cost.

Ms. Gibbons stated that the existing lattice is where the original porch landing is located. The area at the end corner of the porch is where she is affected. Installing a hedge will make it worse as it is already difficult to back out of the driveway safely.

**MOTION:**

**MOVED by R. Riddett and Seconded by M. Horner: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i), 210.4(b)(i) and 210.4(c), further to the allowing an existing addition to the house remain as is on Lot 14, Section 13, Victoria District, Plan 1070 (370 Obed Avenue):**

- a) relaxation of front lot line from 6.0 m to 3.20 m
- b) relaxation of height from 7.5 m to 7.80 m
- c) relaxation of allowable floor space in non-basement areas from 80% to 93.12%."

Board comments:

- This is a very difficult request to consider. Significant work with significant encroachment was done without permit.
- The safety of the structure is not known.
- There is no benefit to tabling this item as there is no more evidence to hear.
- They need to look at this as if it was not yet built and consider it in that light.
- The siting of the building, the age of the house, and the shape of the lot are all hardships. Modernizing old buildings is a challenge.
- For the non-basement area, it is not reasonable to ask them to dig a basement.
- The front steps are an improvement and are safer, but were built to excess.

- Further screening can be installed to help with the neighbour's privacy concern. The applicant has agreed to work with the neighbour with respect to this.
- There was limited environmental impact at the front of the house.
- They removed an illegal deck when they did the addition.

In reply to a question, the Zoning Officer stated she is not sure how the Inspections department will address this issue.

**The Motion was then Put and CARRIED**

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Adjournment      On a motion from R. Riddett, the meeting was adjourned at 9:25 pm.

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Don Gunn, Chair

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

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