

**MINUTES  
BOARD OF VARIANCE  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
NOVEMBER 14, 2018 AT 6:00 P.M.**

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

Minutes: Moved by H. Charania and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held September 12, 2018 be adopted as circulated."

CARRIED

Moved by H. Charania and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held October 10, 2018 be adopted as amended."

CARRIED

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**Previously  
tabled**  
Albina Street  
Addition

**Applicant: David Parent**  
**Property: 3010 Albina Street**  
**Variance: Relaxation of rear lot line from 7.5 m to 3.42 m**  
**Relaxation of combined front and rear setbacks from 15.0m to 11.65 m**  
**Relaxation of allowable floor space in non-basement areas from 80% to 95.08%**

BOV #00729

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from ten residences. Letter of objection received from one residence.

**Moved by H. Charania and Seconded by R. Riddett: "That the application for variance at 3010 Albina Street be lifted from the table."**  
**CARRIED**

Applicants: David Lunt, Designer and David Parent, applicant/owner were present in support of the application and in reply to questions from the Board noted the following:

- The existing deck needs replacing.
- The attached two-car garage is too small for the amount of items they have to store.
- Their boat and truck are presently stored outside; they would like to minimize the clutter as much as possible.
- The proposed attached garage better retains the greenspace and is the best solution for the yard.
- The proposed garage doors are 10' high.
- The benefit of this design is that they are permitted a taller ceiling height and will not have to dig down. A car hoist would fit in the space.
- The alternative is to build a separate accessory building closer to the property line.
- To have to give up the enjoyment and use of the yard to build a separate structure would be a hardship. They use their yard as a social space.

Public input: Nil

Board discussion:

- The present siting of the house creates a hardship.
- The auxiliary building size is not a hardship.
- One Board member felt that the setbacks are not an issue but going over the non-basement area is of concern.

**MOTION:**  
**\*WITHDRAWN\***

**MOVED by D. Gunn and Seconded by H. Charania: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 210.4(c), further to the construction of an addition to the house at Lot 17, Section 12, Victoria District, Plan 860 (3010 Albina Street):**

- a) relaxation of rear lot line from 7.5 m to 3.42 m
- b) relaxation of combined front and rear setbacks from 15.0 m to 11.65 m.”

Board comments:

- It is difficult to separate the request for non-basement area from the setback requests.

**The Motion was WITHDRAWN**

**MOTION:**

**MOVED by H. Charania and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 210.4(c), further to the construction of an addition to the house at Lot 17, Section 12, Victoria District, Plan 860 (3010 Albina Street):**

- a) relaxation of rear lot line from 7.5 m to 3.42 m
- b) relaxation of combined front and rear setbacks from 15.0 m to 11.65 m
- c) relaxation of allowable floor space in non-basement areas from 80% to 95.08%

**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 design provides better functionality, keeps the greenspace and is a better solution in terms of massing.
- The neighbours are in support of the application.
- A member commented that the 10' doors are too high and this looks like a commercial size structure in a residential neighbourhood and therefore is an inappropriate development for the area.
- A member commented that the area defined as the rear yard is really the side yard and it is a hardship to the neighbours if the applicant's materials are not sheltered.
- This is a better design than the alternative of a free standing building.

**The Motion was then Put and DEFEATED  
with D. Gunn, R. Gupta and M. Horner OPPOSED**

Vincent Avenue Addition  
**Applicant: Paul Bates**  
**Property: 512 Vincent Avenue**  
**Variance: Relaxation of front lot line from 6.0 m to 1.60 m**

BOV #00774

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

**Applicants:** Paul Bates, applicant/owner, and Alaina Parks, were present in support of the application. Since the last meeting, they tried to redesign the stairs to go along the house but it was found that this would block windows and take up some parking space. They attempted another redesign and were able to achieve a smaller landing with stairs going in the proper direction.

**Public input:** Nil

**MOTION:** **MOVED by M. Horner and Seconded by D. Gunn: “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 at Lot 18, Section 15, Victoria District, Plan 1070 (512 Vincent Avenue):**

**a) relaxation of front lot line from 6.0 m to 1.60 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 applicant had already demonstrated their hardship at the October 10, 2018 meeting; the siting of the home presents a hardship.
- The Board appreciates that the applicant explored other options.
- It would be a hardship to have the stairs go the other direction.
- This design keeps with the character of the home.

**The Motion was then Put and CARRIED**

Previously tabled  
 Chimo Place Addition  
**Applicant: Victoria Design Group OBO Jie Zhang**  
**Property: 1818 Chimo Place**  
**Variance: Relaxation of allowable floor space in non-basement areas from 80% to 89.60%**

BOV #00754

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

**Moved by H. Charania and Seconded by M. Horner: “That the application for variance at 1818 Chimo Place be lifted from the table.”**  
**CARRIED**

**Applicants:** Wil Peereboom, applicant, was present in support of the application. He stated they have reduced the size of the suite and are asking for about 100 square feet less floor space. In reply to questions he stated:

- The garage was modified by moving the back wall in toward the house, turning living space into garage space. The mechanical room and closet are now part of the garage.

- The studio/sunroom are being removed; the plans are to be corrected in this regard.
- If they are not granted the variance they will lose the suite. This is an ideal location for a suite being near to the University of Victoria.

A Board member stated that the submission should have better explained the hardship and the attempts to mitigate the need for a variance.

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(c), further to the construction of an addition to the house on Lot 12, Section 58, Victoria District, Plan 27806 (1818 Chimo Place):**

- a) relaxation of allowable floor space in non-basement areas from 80% to 89.60%

**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 lot of discussion has occurred regarding this application. Since the last meeting, the applicant has tried to reduce the massing of the house.
- The area is ideal for a rentable suite.
- The narrow lot size poses some hardship.
- This is a single storey house in an area with two storey homes. It will not be out of place.
- There were no objections received regarding this application.
- A member felt the roof mass is not in character with the neighbourhood and that hardship was not proven.

**The Motion was then Put and CARRIED  
With D. Gunn and M. Horner OPPOSED**

**\*\*\* Mr. Charania left the meeting at 6:45 p.m. \*\*\***

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Tolmie Avenue Addition	<b>Applicant: Rosa Cutler</b>
	<b>Property: 1012 Tolmie Avenue</b>
	<b>Variance: Relaxation of front lot line from 6.0 m to 5.76 m</b>
BOV #00751	<b>Relaxation of combined front and rear setbacks from 15.0m to 14.87 m</b>
	<b>Relaxation of height from 6.5 m to 6.74 m</b>

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

Applicants: Rosa Cutler, applicant/owner, Greg Cutler, and Mike Moody, Architect, were present in support of the application. In reply to questions from the Board:

- Family members whose house was destroyed in Puerto Rico are moving here; they need to build a space for them.

- They need a little extra height as some family members are up to 6'6" tall and they bump their heads on the door frames.
- The foundation has to be replaced anyway; the basement is half concrete and half dirt and is musty/mouldy.
- The house is old and small and could use the extra storage space.

Public input: Nil

**MOTION:** **MOVED by D. Gunn and Seconded by M. Horner: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 210.4(b)(i), further to the construction of an addition to the house on Lot 3, Section 7, Victoria District, Plan 866 (1012 Tolmie Avenue):**

- a) relaxation of front lot line from 6.0 m to 5.76 m
- b) relaxation of combined front and rear setbacks from 15.0 m to 14.87 m
- c) relaxation of height from 6.5 m to 6.74 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 setbacks and the siting and age of the building are hardships.
- There is a minimal encroachment to the front lot line.
- They are not increasing the footprint and the height ask is minor.
- There are no negative impacts to the neighbourhood.
- The cracks in the foundation are significant and need repair.

**The Motion was then Put and CARRIED**

Regina Avenue  
Fence

**Applicant: Jeffrey Brown**  
**Property: 64 Regina Avenue**  
**Variance: Relaxation of height from 1.5 m to 1.68 m**

BOV #00762

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

Applicants:

Jeffrey Brown, applicant/owner, was present in support of the application and he stated:

- He removed a hazardous fence and installed standard panels that are uniform in size.
- He needs a fence for privacy and security. People peer into the property and will steal if there is opportunity. Additionally, the fence is a barrier to the noise of street traffic.
- The previous fence was higher in some areas than what he is asking for.
- If he has to remove the lattice or dig the posts to be 6" lower, this will be costly.

In reply to questions from the Board, Mr. Brown stated:

- The fence is almost two years old.
- Someone complained about the fence and that is why he is here asking for a variance.

- The lattice is part of the panel; if the lattice has to be sawed off it could compromise the fence structure.
- He purposely raised the fence 2-3" off the ground in order to prevent the ground rotting the wooden fence.
- The fence is only non-compliant on the Harriet Road side.
- He thought the standard sized panels that the hardware store sold were a permitted size.

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 6.2(f)(i), further to allowing an existing fence to remain as is at Lot 1, Section 14 & 24, Victoria District, Plan 877 (64 Regina Avenue):**

**a) relaxation of height from 1.5 m to 1.68 m."**

Board comments:

- This is a minor request.
- The fence is well constructed, does not block sightlines and complies with the spirit of the Bylaw.
- The sidewalk is significantly higher than the property which in itself is a hardship.
- It would cause undue hardship to modify the fence.
- The applicant used standard fencing panels and was not aware that they are too high.

**The Motion was then Put and CARRIED**

Grange Road  
Fence

**Applicant: Keith Rumsby**  
**Property: 3730 Grange Road**  
**Variance: Relaxation of height from 1.9 m to 2.50 m**

BOV #00767

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

Applicants:

Keith and Stacey Rumsby, applicant/owners, were present in support of the application and had nothing to add. In reply to questions from the Board they stated:

- They purchased their home in 2003.
- The portion of the fence they are asking for a relaxation is adjacent to the Galloping Goose trail. The trail grade will be higher than their property and a fence will be easy to scale.
- If they are not approved they will have to apply for a Development Variance Permit through Council.
- With the McKenzie interchange construction, they now have a lack of privacy and there has already been an attempted break-in while family members were home.

Public input: Nil

**MOTION:** **MOVED by M. Horner and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f)(ii), further to the construction of a fence on Lot 6, Section 79, Victoria District, Plan 5802 (3730 Grange Road):**

**a) relaxation of height from 1.9 m to 2.50 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:

- The applicant could not have predicted this would happen when they purchased their home. These are extenuating circumstances.
- The trail grade is being raised and the greenery has been removed, which presents a hardship.
- There is no impact to the neighbours and this does not go against the intent of the Bylaw.
- The house is uniquely positioned with the trail network being so close.

**The Motion was then Put and CARRIED**

Killarney Road  
New house  
  
BOV #00761

**Applicant: Thomas Moore**  
**Property: 2660 Killarney Road**  
**Variance: Relaxation of height of a structure within 7.5 m of the natural boundary from 0.60 m to 3.60 m**

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

Applicants:

Tom Moore, applicant/owner, was present in support of the application and he noted the following:

- The house has been demolished.
- There was a delay due to human remains being found on the property.
- A difference in opinion on interpretation of the bylaw and the roof overhang design creates the need for a variance.
- The Environmental Development Permit area was rescinded and the roof overhang was designed to aid the performance of the house.

In reply to questions from the Board, Mr. Moore stated:

- The overhang is slim and measures from 1.87 metres on one end to 2.28 metres on the other end.
- The home is CLT Construction with mass timbers.

In reply to a question, the Zoning Officer stated the intent of the Bylaw in this case is to keep structures low and not built up to beach; keeping the natural setback. Anything within 7 metres cannot be higher than 2 feet.

Board comments:

- The setbacks and building height are permitted, the overhang is the issue.
- There was a previous variance granted for an accessory building on the property and hardship was proven then.
- The property used to be in the EDPA.
- Saanich does not have a prescribed flood construction level and the house got pushed up. Flood construction level affects the building.
- They would need a variance for a two-storey house.

- The solar panels are within the allowable height with the present design.
- The owner has a building permit for all but the overhang.

Mr. Moore stated that:

- When he read the Bylaw he understood the Bylaw to be referring to fences or any structure that would impact the view. It does not mention rooflines.
- In looking at his property layout he wanted a courtyard in the back because of the winds.
- This seems to be the best design for receiving sunlight at the back of the home as well.

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 5.16(b), further to the construction of a new house at Lot A, Section 44, Victoria District, Plan VIP46629 (2660 Killarney Road):**

- a) relaxation of height of a structure within 7.5 m of the natural boundary from 0.60 m to 3.60 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 house has to be sited this far forward to have use of the back yard.
- The Bylaw intent is not being compromised.
- This will not interfere with the neighbours’ views.
- The energy efficient design of the home is in line with public policy.
- This is a minor variance as the encroachment narrows from 2.2m to 1.87m.
- The request is for the overhang and not the whole building. This is a reasonable request.

**The Motion was then Put and CARRIED  
With M. Horner OPPOSED**

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Carman Street Addition	<b>Applicant: Aspire Custom Designs Ltd. OBO Chris and Tiffany Smyth</b>
BOV #00773	<b>Property: 3181 Carman Street</b>
	<b>Variance: Relaxation of allowable floor space in non-basement areas from 80% to 84.52%</b>

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

Applicants: Lindsay Baker, applicant and Chris Smyth, owner were present in support of the application. They submitted 12 signatures of support and are asking for an amendment to a previously approved variance. Mr. Baker noted they had proven their hardship and are asking for 1.5% more to create an entranceway.

In reply to questions of the Board the applicant stated:

- There are no stairs leading up to the door. The walkway will be at grade.
- They are staying within the existing footprint.
- The door opens into the living room. They are creating a small hallway and entrance with a closet.
- The hardship is there is no basement and they need the space for coats and shoes.

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 210.4(c), further to the construction of an addition to the house on Lot 2, Section 27, Victoria District, Plan 1311 (3181 Carman Street):**

- a) **relaxation of allowable floor space in non-basement areas from 80% to 84.52%**

**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 a hardship in having no entrance foyer to the home.
- This does not affect the massing of the house.
- Hardship was proven in 2017 and this is a minor variance.

**The Motion was then Put and CARRIED**

Kelvin Road  
Freestanding  
sign

**Applicant: Chris Wylie OBO Landmark Sign Ltd.**  
**Property: 517 Kelvin Road**  
**Variance: Relaxation of interior side lot line from 3.0 m to 0.6 m**

BOV #00764

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

Applicants:

Chris Wylie, applicant and Richard Eastman, were present in support of the application. They noted that:

- The Searls Auto Repair sign was visible before the building down the road was constructed.
- They asked Hydro about relocating power lines but this will cost \$30,000.
- There are two driveways on the lot and they are at different elevations.
- They are not able to give up any parking spots. This is a very limited site.
- Due to the cost and elevation change, they have determined that the proposed location is the best spot for the sign.
- They do not have an alternative plan because there are no alternative locations due to the access roads.

In reply to a question, the Zoning Officer stated the Sign Bylaw was designed to eliminate a proliferation of signs in an area and to also create separation between signs. They also noted that the owner next door can build closer to this property and this would affect the sign’s visibility.

Public input: Nil

**MOTION:**            **MOVED** by M. Horner and **Seconded** by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 12(b)(iii), further to the construction of a freestanding sign at Lot A, Section 7, Victoria District, Plan 28386 (517 Kelvin Road):

- a) relaxation of interior side lot line from 3.0 m to 0.6 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 neighbour could potentially develop their property and this would hide the existing sign completely.
- The loss of a parking stall would be a hardship for a commercial business.
- The cost to relocate the powerline is prohibitive.
- The hardship is evident.

**The Motion was then Put and CARRIED**

Carey Road  
Addition  
  
BOV #00768

**Applicant:** Jas Toora OBO Jyoti Saroya  
**Property:** 3953 Carey Road  
**Variance:** Relaxation of rear lot line from 7.5 m to 3.40 m  
Relaxation of combined front and rear setbacks from 15.0 m to 11.30 m

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

Applicants:

Jas Toora, applicant, and Jyoti Saroya, owner, were present in support of the application, and they noted:

- The existing greenhouse/sunroom built by the previous owners had deteriorated to the point that it had fallen apart and rats were coming in.
- The area was pre-existing and they would like to seal and finish it properly.
- The house was built in 1957 and is sited fairly far back toward the rear.
- They want to provide a safe place for the children to play.
- When looking at doing the improvements, they were told that a variance and permits were required.
- In reply to concerns raised by the neighbours about cars in the area, they only have one vehicle which is parked in the driveway.

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

- Their former spouse built the deck. The railing was finished by the applicant.
- The ages of the children was provided.
- The foundation was redone about six years ago.
- There are two levels to the sunroom.
- The original garage is a suite.
- They would also like to pour concrete under the deck and add about 200 square feet to have a laundry under there.

The Zoning Officer confirmed that no permits were issued and a stop work order was placed on the property.

It was observed that the deck was expanded at some point according to GIS photos and that the plans to put in another bathroom could create a two-bedroom suite. The applicant noted they want to install a bathroom under the deck as their mother visits (staying downstairs) for six months at a time.

Public input: Nil

**MOTION:** **MOVED by D. Gunn and Seconded by R. Riddett: “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 9, Section 50, Victoria District, Plan 11579 (3953 Carey Road):**

- a) relaxation of rear lot line from 7.5 m to 3.40 m
- b) relaxation of combined front and rear setbacks from 15.0 m to 11.30 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 variances so permitted by this Order will expire.”**

Board comments:

- The house siting is a hardship and they need to modernize an existing non-complying house.
- There is a commercial property behind this lot and there is hedging between the other neighbours.
- The deck is completed and well built.

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

Arlington Place  
Addition  
  
BOV #00769

**Applicant:** Lida Homes Inc. OBO Colin and Crystal Brewster  
**Property:** 1445 Arlington Place  
**Variance:** Relaxation of rear lot line from 7.5 m to 7.10 m  
Relaxation of combined front and rear setbacks from 15.0 m to 13.78 m

The Notice of Meeting was read and the applicant’s letter received. Mr. Gupta stated that he had met with the owner on site.

Applicants: Jordan Grant, applicant, and Colin and Crystal Brewster, owners, were present in support of the application. The applicant noted this is a small ask and that they did try to stay within the setback but, due to the siting of the house, the garage would have to be placed on an angle in order to meet the Bylaw requirements.

In reply to a question from the Board, the applicant stated that to comply would end up in extra costs as they would have to add to the roof and foundation.

Public input: A resident from 1454 Jamaica Road was present but had no comments.

Motion: **MOVED by D. Gunn and Seconded by M. Horner: “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 4, Section 52, Victoria District, Plan 15546 (1445 Arlington Place):**

- a) relaxation of rear lot line from 7.5 m to 7.10 m
- b) relaxation of combined front and rear setbacks from 15.0 m to 13.78 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 variances so permitted by this Order will expire.”**

Board comments:

- This is a minor ask and the siting of the house plus the irregular lot shape causes a hardship.
- Trying to build within the Bylaw would result in significant additional costs.
- This is close to the hedges but should not negatively affect the environment.

**The Motion was then Put and CARRIED**

Davida Avenue Addition  
 Applicant: **Jill Adams**  
 Property: **325 Davida Avenue**  
 Variance: **Relaxation of front lot line from 6.0 m to 3.81 m**

BOV #00770

The Notice of Meeting was read and the applicant’s letter received. Mr. Gunn stated that he met with the applicant on site.

Applicants: Jill Adams, applicant/owner, and Andy Robertson were present in support of the application and noted that their stairs are legal non-conforming. They have minimized the encroachment by turning the stairs and having a landing, rather than have the stairs encroach further by going straight down. Their objective is to retain as much of the heritage character of the home as possible.

In reply to a question the applicant stated that there is no way to conform to the Bylaw as the stairs are already existing non-conforming. Any configuration of stairs will encroach.

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 210.4(a)(i), further to the construction of an addition to the**

**house on Lot 6, Section 13, Victoria District, Plan 1070 (325 Davida Avenue):**

**a) relaxation of front lot line from 6.0 m to 3.81 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:

- There is hardship in the house siting and the need to maintain the heritage character of the home.
- They are only adding eight inches to the existing stairs.
- They have done a good job in minimizing the encroachment.
- They have a hardship in that any change needs a variance as they are already non-conforming.
- They have considered design options and are working with the challenge of a home constructed in 1922.

**The Motion was then Put and CARRIED**

Cordova Bay Road  
New house

**Applicant: Rajbir (Ruby) Uppal**  
**Property: 5064 Cordova Bay Road**  
**Variance: Relaxation of height from 7.5 m to 8.35 m**  
**Relaxation of single face height from 7.5 m to 8.42 m**

BOV #00772

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from two residences. Letter with comments received from one residence.

Applicants:

Ruby Uppal, applicant/owner, Amir Gill-Uppal, and Natalie Saunders, designer, were present in support of the application. The designer noted that:

- They have designed the house to be raised just enough to receive adequate amounts of sunlight.
- They are concerned that if they have to dig down farther a sump pump would be required. Sump pump failure is of concern.
- They are not obstructing any neighbouring views; the neighbours have no objection.

In reply to questions from the Board, the owner and the designer stated:

- The intended occupants of the basement are the applicant’s adult children, and their spouse will use the recreation room.
- A family member requires sunlight for a medical condition.
- They are not sure of the sewer height in the road. The proposed basement is comparable to the elevation of the existing basement.
- They propose to tear down the existing structure, expand it slightly, and add a second storey.
- They have owned the property for almost three years.

Board comments:

- There appears to be two suites in the basement. The house has five full bathrooms and two half-bathrooms.
- What is preventing them from digging down further?
- This is a significant height ask, what is the hardship?

The applicant and designer stated:

- It is possible to build according to the bylaw but there is a concern about a lack of sunlight downstairs if they have to comply.
- They have minimized the ceiling height. The owner had wanted 10' ceilings but they decreased this to 9' for the main floor and 8' for the upper floor.
- The house up the street is huge.
- They have a flat lot and they want higher ceilings.
- They could lower the pitch of the roof.

Board comments:

- The property most affected is on the west side. That property is one metre higher and only has one piano window on that side of the house.
- The massing is of concern and hardship is questionable. This is a 2 ½ storey house.
- Each floor has about 1,200 square feet; it is not as big a house as it seems.
- This is a multi-generational house with adults. More space is needed.
- Everything else conforms to the Bylaw.
- The applicant has not provided evidence of options/mitigations.
- Looking for evidence for why they cannot dig deeper and some justification for the high ceilings.

Public input: Nil

Motion: **MOVED by D. Gunn and Seconded by M. Horner: “That consideration of the following variances from the requirements of Zoning Bylaw 2003, Sections 295.3(b)(i) and (ii), further to the construction of a new house on Lot 2, Section 30, Lake District, Plan 9968 (5064 Cordova Bay Road) be TABLED to a future meeting in order to provide the applicant with an opportunity to submit materials that better demonstrate their hardship:**

- a) relaxation of height from 7.5 m to 8.35 m
- b) relaxation of single face height from 7.5 m to 8.42 m.”

**The Motion was then Put and CARRIED**

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<p>Portage Road New house and accessory building</p> <p>BOV #00763</p>	<p><b>Applicant:</b> Chris Foyd Design OBO Isabella Gudgeon</p> <p><b>Property:</b> 1775 Portage Road</p> <p><b>Variance:</b> Relaxation of front lot line for a dwelling from 7.5m to 0.32m Relaxation of interior side lot line for a dwelling from 3.0 m to 1.83 m Relaxation of exterior side lot line for a dwelling from 3.5 m to 3.01 m</p>
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**Relaxation of exterior side lot line for an accessory building from 7.5 m to 4.0 m**  
**Relaxation of interior side lot line for an accessory building from 3.0 m to 0.49 m**

The Notice of Meeting was read and the applicant's letter received. Letter of support received from one residence.

Applicants: Chris Foyd, applicant, Isabella Gudgeon, owner, and Willie Gudgeon were present in support of the application. In reply to questions from the Board, the following was noted:

- They have owned the property for over 20 years.
- The existing house is basically on top of the property line.
- The Zoning is A-1 Rural but it should be zoned as a residential zone.
- The existing house is non-conforming and they are reconstructing it on the existing footprint. There will be a change in the roofline.
- The retaining wall is to be repaired. They are looking to build a new sound abatement fence.
- They are not asking for more than existing for the accessory structure. They just wish to renovate and change the character of the building.

The Zoning Officer noted that the highway was widened and Saanich expropriated some land. This is why they are on the property line.

Board members observed that the property was not marked and the front lot line was not evident. It was also noted that the lot size is basically RS-4 sized.

Public input: 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)(i), (ii) and (iii) and 101.7(a)(i) and (ii), further to the construction of a house and an accessory building on Lot 15, Section 16, Victoria District, Plan 1597 (1175 Portage Road):**

- a) relaxation of front lot line for a dwelling from 7.5 m to 0.32 m
- b) relaxation of interior side lot line for a dwelling from 3.0 m to 1.83 m
- c) relaxation of exterior side lot line for a dwelling from 3.5 m to 3.01 m
- d) relaxation of exterior side lot line for an accessory building from 7.5 m to 4.0 m
- e) relaxation of interior side lot line for an accessory building from 3.0 m to 0.49 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 siting of the buildings along with the lot size and legacy zoning creates a hardship.
- The topography of the lot is steep. The safety of the structure is of concern.
- This is not a busy road and there is not much traffic.
- They are not negatively impacting the environment.

**The Motion was then Put and CARRIED**

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Adjournment      On a motion from M. Horner, the meeting was adjourned at 9:55 pm.

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R. Gupta, Chair

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

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Recording Secretary