

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
OCTOBER 9, 2019 AT 6:00 P.M.**

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

Staff: K. Kaiser, Zoning Officer, S. deMedeiros, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held September 11, 2019, be adopted as amended.
CARRIED

Gordon Head
Road
Addition

BOV #00831

***** PREVIOUSLY TABLED *****

Applicant: JC Scott Design Associates Inc. OBO Lana Foree
Property: 4351 Gordon Head Road
Variance: Relaxation of front lot line setback from 15.0 m to 9.5 m
Relaxation of height for a flat roof from 6.5 m to 6.8 m
Relaxation of single face height for a flat roof from 6.5 m to 10.4 m

Letters of no objection received from two residences.

Applicants: JC Scott, applicant, and Lana Foree, owner, were present to request that their application continue to be tabled for another month in order to revise their plans further. They reported that they have had discussions with a concerned neighbour and would like to amend the house plans by reducing the size of the proposed attached garage.

S. Purcell, Gordon Head Road, confirmed that after a discussion with the applicant, they are satisfied with the applicant's proposed garage reduction.

The Board members agreed to continue postponement of this item and requested that the applicant provide more detailed information (eg. the inclusion of measurements) on the revised plans.

Auldfarm Lane
Fence

BOV #00832

Applicant: Matthew Carere
Property: 4134 Auldfarm Lane
Variance: Relaxation of fence height constructed on a lot line abutting a street from 1.5 m to 1.83 m
Relaxation of the maximum fence height in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m from their point of intersection from 1 m to 1.83 m

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from 13 residences.

Applicants: Matthew and Tara Carere, applicant/owners, were present in support of the application and have nothing to add. They have consulted with the neighbours and have their support.

In reply to questions from the Board, Mr. and Mrs. Carere stated:

- A licenced contractor, who mostly works in Sooke, was hired to build the fence. When the applicant approached them about the error, the contractor stated they thought 6' fencing height is permitted everywhere.

- There are many different styles of fencing and hedging in the neighbourhood and much of it is over height.
- A description of the fence was given. Three sides of the property had existing fencing, and some of the existing lattice panels were relocated between the neighbouring property. Both new and old posts were used.
- They did not consider using landscaping as a barrier because their children could go through any plantings. The children are prone to run and climb, and their safety is of concern with the busy adjacent street. The yard felt open and exposed before the fence was installed.
- Privacy is of concern; Auldfarm Lane sits a little higher than their house, resulting in a good view into their yard for people walking by.
- The house sits in the centre of the lot so there is no proper back yard. The children play all around the house and in the driveway.
- They were not aware that the height measurement was made to the top of the post, they thought it was to the top of the fence panel.
- They have lived in the house since April 2019.
- The blackberry bush does affect sightlines and they are committed to keeping the bush trimmed back.

The Zoning Officer confirmed that the variance request is for the entire fence on the property measured from the highest point. They also noted that the Engineering department investigated and has no concerns with the sightlines.

In reply to a Board member's concern about painting the fence, the applicant stated they will most likely use a natural stain. There is a covenant on the property that outlines colours for siding and the roof but they are not sure if the fence is included in the colour scheme.

The Chair pointed out that a future owner could paint the fence whatever colour they want. The Zoning Officer and the Secretary confirmed that the Board does not have the authority to specify the colour of fences or houses. Although the Board is approving the application as per the plans/photos submitted, they are not a design panel and in this case are being asked for a height variance.

Public input: Nil

MOTION: **MOVED by R. Riddett and Seconded by M. Horner: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(i) and 6.3(b), further to allowing an existing fence to remain as is on Lot 2, Section 13, Lake District, Plan VIP62435 (4134 Auldfarm Lane):**

- a) relaxation of fence height constructed on a lot line abutting a street from 1.5 m to 1.83 m
- b) relaxation of the maximum fence height in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m from their point of intersection from 1 m to 1.83 m."

Board comments:

- The first variance request is minor; the applicant's contractor mistook the measurement point as the panel rather than the post.
- The second variance request is larger but meets the intent of the bylaw because the sightlines are not affected and Engineering has confirmed this.
- The cost of altering the posts/panels would be a hardship and would not achieve anything.

- The neighbours are supportive and there is no impact to the environment.
- The other intent of the bylaw is to preserve the streetscape and this meets the intent. There is concern that painting the fence could impact the streetscape.
- This is a custom designed fence and was installed by a contractor who should have known the regulations.

**The Motion was then Put and CARRIED
With E. Dahli OPPOSED**

Adjournment On a motion from R. Riddett, the meeting was adjourned at 6:35 pm.

Haji Charania, Chair

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

Recording Secretary