

**MINUTES  
BOARD OF VARIANCE  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
DECEMBER 11, 2019 AT 6:00 P.M.**

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Members: H. Charania (Chair), E. Dahli, D. Gunn, M. Horner,  
Regrets: R. Riddett  
Staff: S. deMedeiros, Planning Technician, D. Blewett, Senior Planning Technician,  
T. Douglas, Senior Committee Clerk

Minutes: Moved by M. Horner and Seconded by E. Dahli: "That the minutes of the Board of Variance meeting held November 13, 2019 be adopted as amended."  
CARRIED

\*\*\* E. Dahli excused himself from the room at 6:01 pm, as he is a direct neighbour of the application for variance at 2919 Mt. Baker View Road. \*\*\*

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Mt. Baker View Road Addition      **Applicant: Silvia Bonet, Architect OBO Gordon Campbell**  
**Property: 2919 Mt. Baker View Road**  
**Variance: Relaxation of rear lot line setback from 11.00 m to 8.75 m**

BOV #00838      The Notice of Meeting was read and the applicant's letter received.

Applicants: Silvia Bonet, applicant, was present in support of the application. She noted:

- The house had an addition a number of years ago and the house as it stands encroaches onto the setback.
- The existing carport is very low and they are hoping to build the garage a little higher and ensure correct waterproofing is done.
- The proposed height is within the bylaw requirement, they only need a rear yard variance.

In reply to questions from the Board the applicant stated:

- There is a landing that provides access to the deck from the living room.
- The key hardship is that the house is already non-conforming and this cannot be modified.
- They have designed the addition to ensure a continuous line of the house.
- They propose to make the garage larger and add access to the garage roof.
- This area is the only flat outdoor area the family can use for gathering.
- The driveway is very steep and the turnaround area in the front is needed so they cannot use that area for an addition.
- Any alterations to the house would result in the need for a variance because of its existing non-conforming status.
- They are on bedrock and cannot dig down to get the garage height they need. They are not sure how far down the bedrock is.
- The proposed garage landing cannot be moved to the other side as this conflicts with the garage door.
- The plans show the railings are made of glass and wood.

In reply to a question the Planning Technician stated that an addition done in 2009 was conforming at the time.

Questions continued with the following responses:

- The deck on the roof is an amenity but the applicant would like to be able to enjoy their home and have a family gathering space.

- In reply to a question about re-designing deck access, they could have a door inside that steps up but there would be less room for a header and it is not an appealing option.
- In reply to concerns about the encroachment by the back bedroom, the applicant advised she was not aware that the encroachment was also considered vertically. She thought that the encroachment was only to the foundation wall.
- The extra bedroom is needed upstairs for the family.

The Planning Technician confirmed that the owners can lawfully maintain the home as it stands presently, but they will need a variance to extend vertically for the proposed addition.

Board discussion:

- They are adding to the non-conformity.
- The setback includes the space above the foundation.
- The garage area is good and aligns with the foundation. The addition of the vertical space increases the encroachment and adds to the massing.
- Not convinced the landing and deck above the garage are necessary.
- The house is poorly situated with challenging topography (bedrock).
- Question raised on possible options to add an extra bedroom.

Public input: Nil

**MOTION: MOVED by D. Gunn and Seconded by M. Horner: “That consideration of the request for variance from the requirements of Zoning Bylaw 2003, Section 290.3(a)(ii), further to the construction of an addition to the house on Lot 2, Section 44, Victoria District, Plan 9438 (2919 Mt. Baker View Road) be TABLED in order to allow the applicant time to reconsider and/or re-design the application and provide the Board with further information regarding the hardship.**

**The Motion was then Put and CARRIED**

\*\*\* E. Dahli returned to the meeting at 6:43 pm\*\*\*

North Dairy Road Fence

**Applicant: James Anderson**  
**Property: 1720 North Dairy Road**  
**Variance: Relaxation of fence height from 1.5 m to 2.11 m**  
**Relaxation of fence height from 1.9 m to 2.67 m**

BOV #00839

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from two residences. Mr. Gunn disclosed that he personally knows the applicant.

Applicants: Ted Anderson, applicant/owner was present in support of the application and had nothing further to add.

Public input: M. Weicker, Service Street:  
 ▪ Is part owner of the duplex next door and they really want to keep the fence.  
 ▪ The houses are very close together. If the fence is removed there will be no privacy.

In reply to questions from the Board, the applicant stated:  
 ▪ He has owned the house since 2015.

- He built the fence. The original rock wall was falling down so he replaced the rock wall with cement. Due to privacy issues he added the fence on top with the neighbour's consent.
- Before installing the fence he could see right into the neighbour's house (and vice-versa).
- The posts are high and some do need to be cut lower; he has started this job and will finish this soon.
- His property sits about ten feet higher than the neighbour's property.
- It would be very expensive to reduce the fence height. Before constructing the fence they spoke with the neighbours and all were in support. It is not in the best interest of anyone to reduce the height.

The Chair noted that he spoke with some neighbours who stated they are not unhappy with the fence.

The Planning Technician clarified the variance request and noted the measurement is from the top of the fill to the top of the fence posts.

Board comments:

- The siting of both houses necessitate some privacy and separation.
- The existing landscaping and the fact the fence is below the landscaping grade level on the one side supports the need for the fence.
- The neighbours are in favour.
- There is no negative impact to the streetscape.

In reply to a comment about the intent of the Zoning Bylaw, the Senior Planning Technician clarified that the Zoning Bylaw recognizes that neighbours have a right to privacy. The height requirement was put in place to allow for screening, but also ensures cubicle-like lots (spite fences) are not constructed.

**MOTION:**

**MOVED by D. Gunn and Seconded by E. Dahli: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(i) and (ii), further to allowing an existing fence to remain as is on Lot AM2, Section 34, Victoria District, Plan 8410 (1720 North Dairy Road):**

- a) relaxation of fence height from 1.5 m to 2.11 m
- b) relaxation of fence height from 1.9 m to 2.67 m."

**The Motion was then Put and CARRIED**

Adjournment

On a motion from E. Dahli, the meeting was adjourned at 7:05 pm.

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Haji Charania, Chair

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

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Recording Secretary