

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JANUARY 8, 2020 AT 6:00 P.M.**

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

Election of Chair: The Senior Committee Clerk called the meeting to order and asked for nominations for the Chair. H. Charania was nominated and accepted the nomination. The Secretary called twice more for further nominations and as there were none it was announced that H. Charania is acclaimed to the position of Chair for 2020. Mr. Charania assumed the Chair.

Minutes: **Moved by E. Dahli and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held December 11, 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. ***

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 **MOVED by D. Gunn and Seconded by M. Horner, "That the request for variance for an addition to the house at 2919 Mt. Baker View Road be lifted from the table."**

CARRIED

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

Applicants: S. Bonet was present in support of the application and stated:

- The vertical encroachment was of issue to the Board members last month so the second bedroom wall was re-designed to be stepped back rather than line up with the kitchen below.
- 3D images showing the encroachment were provided for clarity.
- The second bedroom is needed as they would like to have all bedrooms upstairs.
- They are using the existing footprint rather than add out in a different area as this is better for the environment.
- Neighbours have been consulted and do not object.
- The garage request is the same as presented last month.

Public input: D. Holgate, Mt. Baker View Road:

- It is positive the owners are using the existing footprint to avoid blasting.
- Is prepared to support the application as presented as they feel adding to the front would not be suitable.

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

- The request is only for the rear setback, they comply for height.

- The setback regulations could have been different, or construction practices could have been less rigid, when the house was originally built.
- An addition done in 2009 required no variances.
- The owner's representative has consulted with the neighbours.

MOTION: **MOVED by D. Gunn and Seconded by M. Horner: “That the following variance be granted 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)**

a) Relaxation of rear lot line setback from 11.00 m to 8.75 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 irregular shape of the lot, the topography, and the house placement are hardships.
- This is a minor variance.
- The proposal preserves the environment and there are no negative impacts to neighbour's views.

The Motion was then Put and CARRIED

*** E. Dahli returned to the meeting at 6:15 pm ***

Lodi Avenue
Addition
BOV #00833

Applicant: Chuong (John) Ngo
Property: 862 Lodi Avenue
Variance: Relaxation of rear lot line setback from 7.5m to 4.10m
Relaxation of combined front and rear lot line setbacks from 15.0m to 12.60m
Relaxation of combined interior side setbacks from 4.5m to 3.75m

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

Applicants:

Chuong Ngo, owner, was present in support of his application. In reply to questions from the Board the following was noted:

- When he first purchased the property there was an existing older sunroom that was leaking. The open deck was also pre-existing.
- He removed the sunroom and put a roof over the area and was given a stop work order because of a complaint.
- He would like to get a permit to build and get his building up to code, and is asking for the setbacks to be relaxed for both deck areas.
- In reply to comments that came in from neighbours, one neighbour cannot see the area over their fence. The other neighbour at 4270 Pepin can see the area as it is not fenced. A fence between the properties may give a sense of privacy for that neighbour.
- The previous sunroom was poorly constructed by the previous owner.
- The new design drawings were done by an architect friend.
- He just thought he was upgrading the area. A contractor worked on the covered deck and did not say anything about permits being required.

- The hardship is that the structures were already there and he wishes to improve his home.

The Planning Technician provided information showing the pre-existing structure and historical building permit information. She noted that the deck has been extended and covered.

Board discussion:

- The applicant has inherited this problem and is trying to do the best he can with a deteriorated structure.
- One member stated the side yard request is minor but the rear request is excessive and suggested the requests be separated.
- One member suggested the whole application is of concern and both areas are poorly constructed. There are other ways to remedy the issue.

Public input: Nil

MOTION: **MOVED by D. Gunn and Seconded by E. Dahli: “That the request to relax the rear lot line setback from 7.5 m to 4.10 m, relax the combined front and rear lot line setbacks from 15.0 m to 12.60m and relax the combined interior side setbacks from 4.5 m to 3.75 m from the requirements of Zoning Bylaw 2003, Sections 205.4(i) and (ii), for an addition to the house at Lot B, Section 10, Lake District, Plan VIP58563 (862 Lodi Avenue) be DENIED.”**

Board comments:

- There is consistent reference to the ‘new’ deck in the application as well as complaints received. It seems that before the rear deck was constructed there were no issues.
- Question was raised if there are other options for the owner.
- Question was raised about the quality of the construction.
- There is a financial impact to the applicant if the decks are to be removed or adjusted.

In reply to a question the Senior Planning Technician stated that projects are not inspected when a stop work order is issued.

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

MOTION: **MOVED by R. Riddett and Seconded by M. Horner: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 205.4(ii), further to the construction of an addition to the house on Lot B, Section 10, Lake District, Plan VIP58563 (862 Lodi Avenue):**

- a) relaxation of combined interior side setbacks from 4.5 m to 3.75 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 structure will be inspected for quality.

- The wall does add massing as opposed to clear glass of the sunroom, but it would be a hardship to remove this.

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

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: “That the request to relax the rear lot line setback from 7.5 m to 4.10 m and relax the combined front and rear lot line setbacks from 15.0 m to 12.60 m from the requirements of Zoning Bylaw 2003, Section 205.4(i), for an addition to the house at Lot B, Section 10, Lake District, Plan VIP58563 (862 Lodi Avenue) be DENIED.”

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

Wesley Road
Addition
BOV #00840

**Applicant: Matthew Smith OBO Dawn and Dorian Jeck
Property: 5042 Wesley Road
Variance: Relaxation of height from 5.0 m to 5.21 m
Relaxation of single face height from 5.0 m to 5.9 m**

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from five residences. One letter with comments received. Mr. Charania stated that he met the owners on site.

Applicants:

Matthew Smith, applicant was present in support of the application and had nothing to add. In reply to questions from the Board, he stated:

- They tried to avoid having to request a variance, but the height requirement is restrictive.
- They found that even when they dig down into the ground by a foot they are over height because the elevation points change.
- They want a pitched roof to match the house. They could have a flatter roof and meet the requirements but that design doesn’t marry with the house.
- The pitched roof ridge is designed to be the opposite direction of the overall roof will help with the view for the neighbour behind.
- The proposed new construction over the garage is higher than the rest of the house and has the same 4:12 pitched roof.
- The proposed upper floor has a vaulted ceiling and 8 foot upper walls.
- The overall height increase from the present structure is about 2 ½ feet.
- The existing house ridge is under the allowable height.
- The basement has a 7 ½ foot ceiling.
- The extra height in the garage is needed for the owner’s woodworking hobby a 9 foot high garage ceiling is needed. They have proposed to dig a lower floor but are still over height.
- They could continue to dig more into the ground to maintain the existing height but this would mean digging many feet into the ground and needing retaining walls.
- The BC Building Code says the garage has to step up into the main house.
- They have built in some wiggle room/tolerance into the survey in case there are any building anomalies.

The Planning Technician clarified that the grade is based on the existing natural grade and stated that digging down the garage floor does not affect the elevation points that the applicant has used for their rationale.

Board discussion:

- This is a special zone that was not set frivolously. They should comply with the bylaw.
- There is no hardship except for design considerations.
- The buffering/tolerance that was built into the survey may not accurately reflect the plans.
- The design is compatible with the street and the overall height is minor.

Public input: Nil

MOTION: **MOVED by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 255.4(b)(i) and (ii), further to the construction of an addition to the house on Lot A, Section 30, Lake District, Plan 46495 (5042 Wesley Road):**

- a) relaxation of height from 5.0 m to 5.21 m
- b) relaxation of the single face height from 5.0 m to 5.9 m.”

The Motion DIED due to the lack of a Seconder

MOTION: **MOVED by E. Dahli and Seconded by D. Gunn: “That the request to relax the height from 5.0 m to 5.21 m and relax the single face height from 5.0 m to 5.9 m from the requirements of Zoning Bylaw 2003, Section 255.4(b)(i) and (ii), for an addition to the house on Lot A, Section 30, Lake District, Plan 46495 (5042 Wesley Road) be DENIED.”**

Board comments:

- This zone was created specifically for height restrictions.
- The addition can be designed to work without the need for variances.
- The buffering built into the survey was a detriment to the application.

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

Grandview Drive
House and
accessory
building

Applicant: Helen Zheng OBO Shenghua Li
Property: 1834 Grandview Drive
Variance: Relaxation of single face height for single family dwelling from 7.5 m to 7.59 m
 Relaxation of height for an accessory building from 3.75 m to 3.82 m

BOV #00841

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

Applicants: Helen Zheng, applicant and project manager was present in support of the application. In reply to questions from the Board she stated:

- This is a new build that was designed to the maximum height. Everything was on track until the trusses were installed and they found out they were 3” too tall on the single face height on the house.
- The overall height for the house is okay.
- The accessory building is 7 cm over height.
- They did not speak to neighbours about the project.
- If denied they will have to tear down and rebuild.
- The accessory building has a flat roof.

- Public input: K. and P. Bourgeois, Grandview Drive:
- Asked if the overall height complies and wondered why the owner did not apply for a variance before construction.
 - Stated their fence was ruined by construction materials.

The Chair explained that the survey was done after the structure was built and this is when the anomaly was found. The Senior Planning Technician advised that any damage to private property is a civil matter.

Some Board members noted that they were not able to access the property for a site visit.

Board discussion:

- This is an unintended error, trusses can cause issues.
- They could have spoken with the neighbours about the project.
- This is a very minor variance that does not affect the neighbours.
- It would be a hardship to correct a three inch encroachment.
- Designing buildings to the maximum limit is not a good practice.

MOTION: MOVED by R. Riddett and Seconded by M. Horner: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 250.4(b)(ii) and 250.5(b), further to the construction of a house and an accessory building on Lot B, Section 84, Victoria District, Plan 26873 (1834 Grandview Drive):

- a) relaxation of single face height from 7.5 m to 7.59 m for single family dwelling
- b) relaxation of height for accessory building from 3.75 m to 3.82 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.”

The Motion was then Put and CARRIED

Parker Avenue
Fence
BOV #00841

Applicant: Richard Thierbach
Property: 5405 Parker Avenue
Variance: Relaxation of maximum fence height constructed on a lot line abutting a street from 1.5 m to 1.90 m on the front lot line and interior side lot line

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

Applicants: Richard and Christy Thierbach, applicants/owners, were present in support of the application and had nothing to add. Board members had no questions for the applicants.

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, Sections 6.2(f)(i), further to the existing fence on Lot 1, Section 34, Lake District, Plan 8328 (5405 Parker Avenue):

- a) relaxation of maximum fence height constructed on a lot line abutting a street from 1.5 m to 1.90 m on the front lot line and interior side lot line.”

Board comments:

- There is a hardship with the property abutting a public parking lot and beach access.
- The higher fence is needed for the applicant’s privacy and protection.
- The other areas of the house are not fenced.
- The position of the house is a factor.
- The posts will have to be cut to be no higher than 1.90 metres.

The Motion was then Put and CARRIED

Cumberland
Court
Addition

BOV #00844

Applicant: Stefan Roodbol OBO Craig and Lori Robertson
Property: 1213 Cumberland Court
Variance: Relaxation of rear lot line setback from 7.5m to 6.60m
Relaxation of combined front and rear lot line setback from 15.0m to 12.80m
Relaxation of combined interior side setbacks from 4.5m to 4.22m

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

Applicants:

Stefan Roodbol, applicant and Craig and Lori Robertson, owners, were present in support of the application. In reply to questions from the Board they stated:

- They have a siting hardship and would like to repurpose the buildings.
- The family intends to stay in this house for a long time.
- The solarium renovation is needed. They have a massive heat gain and loss, which impacts the environment, and would like to frame in the area and make it usable.
- The proposed bathroom will be in line with the house and will reduce the existing encroachment.
- The sunroom was permitted to be built in 2000 with a variance.
- They are below the maximum height allowable.

In reply to a question, the Planning Technician advised that the deck was not built with a permit so this portion is considered new construction.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by E. Dahli: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 220.4(a)(i) and (ii), further to addition to the house on Lot 4, Section 32, Victoria District, Plan 39062 (1213 Cumberland Court):

- a) relaxation of rear lot line setback from 7.5m to 6.60m
- b) relaxation of combined front and rear lot line setback from 15.0m to 12.80m
- c) relaxation of combined interior side setbacks from 4.5m to 4.22m

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 shape of the lot and the siting of the house is a hardship.
- They are reducing the encroachment into the setback.
- The variance is minor and they are using the footprint.

The Motion was then Put and CARRIED

***** M. Horner left the meeting at 8:00 pm *****

Obed Avenue
Accessibility
ramp

Applicant: Dan Hagel OBO City Light Church of Victoria
Property: 550 Obed Avenue
Variance: Relaxation of rear lot line setback from 10 m to 6.38 m

BOV #00845

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

Applicants:

D. Hagel, applicant, was present in support of the application and the following was noted:

- When they received the quote for building the ramp with steel, they found it was far too expensive. They would like to build the structure in wood.
- They spoke with neighbours who were supportive.
- Currently they have to carry people up and down the stairs which is a hardship.
- The existing door in the area is already 42” wide which can accommodate wheelchairs.
- They plan to update the entry area with push doors and exit lighting.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by E. Dahli: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 1001.3(a)(i), further to the construction of an accessibility ramp to the building on Lot A, Section 18A, Victoria District, Plan 14379 (550 Obed Avenue):

- a) relaxation of rear lot line setback from 10 m to 6.38 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.”

The Motion was then Put and CARRIED

Adjournment

On a motion from D. Gunn, the meeting was adjourned at 8:05 pm.

Haji Charania, Chair

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

Recording Secretary