

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
FEBRUARY 12, 2020 AT 6:00 P.M.**

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

Minutes: Moved by E. Dahli and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held January 8, 2020 be adopted as circulated."
CARRIED

Parker Avenue Fence
BOV #00847

Applicant: James Reger
Property: 5537 Parker Avenue
Variance: Relaxation of fence height constructed on a lot line abutting a street from 1.5 m to 2.08 m

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from 22 residences along with one physician's note.

Applicants: Joan and Jim Reger, applicants/owners, and Bruce Dyke, were present in support of the application and stated:

- They have been feeling stressed since a complaint was received about their fence. Prior to building the fence they had gone to all neighbours to ensure that no one was in objection. They have 22 letters of support along with a physician's note to substantiate this.
- The fence does not obstruct any neighbouring views.
- Removing or reducing the fence would put their security, privacy and health in jeopardy. There has been an increase in crime and their home has previously been broken into.
- This is a new fence and not a replacement fence.

Board discussion:

- Although they do not like the feel of a gated community Board member is sympathetic. There is a medical reason, the neighbours do not object, and there is no negative impact on the environment.
- Neighbours are not affected by the fence.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by E. Dahli: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f)(i), further to allowing a fence to remain as is on Lot A, Section 35, Lake District, Plan VIP13878 (5537 Parker Avenue):

- a) relaxation of fence height constructed on a lot line abutting a street from 1.5 m to 2.08 m."**

Board comments:

- There is a hardship with the fear of crime.
- The intent of the bylaw is to create a good looking streetscape.
- This fence was done in good taste, is softened with bushes, and has the support of the neighbourhood.

The Motion was then Put and CARRIED

Gerard Place
New house
BOV #00858

Applicant: Jasminster Bhandal OBO Gur Kirpa Development Ltd.
Property: 4034 Gerard Place
Variance: Relaxation of single face height from 7.5 m to 7.76 m

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

Applicants: Jasminster Bhandal applicant/owner, Tarnvir Bhandal, builder, and Natalie Saunders and Sumner Menegozzo, designers were present in support of the application and stated:

- They spoke with the neighbours and none were in opposition.
- This is a minor variance for the rear of the house.
- The negative slope of the driveway creates the hardship.
- The framer made a calculation error when framing. The main floor and the upper floor were both to be 9' in height. The upper floor was reduced to 8' but they are still over single-face height.

In reply to a question, the applicant stated there is a legal secondary suite on the bottom floor.

Public input: Nil

MOTION: MOVED by E. Dahli and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(b)(ii), further to the construction of a new house on Lot 3, Section 50, Victoria District, Plan VIP69246 (4034 Gerard Place):

- a) relaxation of single face height from 7.5 m to 7.76 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 hardship is with the slope.
- The neighbours are in support.
- This is a good solution to avoid flooding.
- The height is compatible with the neighbouring houses.
- There is no negative impact to the environment, the massing is good.

The Motion was then Put and CARRIED

Wesley Road
Addition
BOV #00849

Applicant: Matthew Smith OBO Dorian and Dawn Jeck
Property: 5042 Wesley Road
Variance: Relaxation of single face height from 5.0 m to 5.51 m

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from five residences. H. Charania stated that he met with the owner on site.

Applicants: Matthew Smith, applicant, was present in support of the application and stated:

- He has managed to design the overall building height to be under 5 metres.
- He did not properly convey last time the potential issues with water ingress when you are building a new floor against an old floor. With this new plan they have dropped the lower floor by 4" and will use 2 x 6 joists so the upper floor addition will be the same level as the existing upper floor.

- They will drive the garage floor lower so the only issue now is the single face height.

In reply to Board questions the following was noted:

- The area of variance is the north side of the addition (the garage side).
- The Bylaw is not the usual 7.5 metre constraint, it is 5 metres.
- The lot size is 1,039 square metres (approx. 11,200 square feet).

Board discussion:

- This is a design issue. The special zone was created for the people who live behind these properties.
- No objections have been received.
- The designer has worked to change the application since the last meeting.
- This is a very minor variance that is compatible with the neighbourhood.
- It is a special zone, but they comply for overall height; this is for single face height only.

The Senior Planning Technician confirmed that the single face height rule was created in order to avoid three storey faces on buildings that are sited on a slope.

Public input: Nil

MOTION: **MOVED** by R. Riddett and **Seconded** by E. Dahli: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 255.4(b)(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 single face height from 5.0 m to 5.51 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

Vantreight Drive Addition

Applicant: Harvey Stevenson
Property: 4634 Vantreight Drive
Variance: Relaxation of allowable floor space in non-basement areas from 75% to 90.41%

BOV #00850

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

Applicants:

Harvey Stevenson, applicant/owner, and Harvey Stevenson Sr. were present in support of the application and the following was noted:

- The house was purchased in June 2017. They had intended to keep the original house and add to it because they liked its charm.
- It took about two years to plan the addition to the existing house.
- During the excavation process they found problems with the original house including absence of footings, short and cracked foundation walls, damage from ants and termites, missing structural beams and asbestos.
- The engineers would not sign off on the foundation as is, so they tore down the house and excavated further. In order to reach solid ground to build a new foundation, they had to over-dig. They wanted to ensure that there were no buried oil tanks and remove the buried debris under the house.

- They have built a larger house than they wanted. The original house was about 20' x 30' and they had to add 2' in width and depth for stairs.
- They are asking to turn the basement into a 1-bedroom suite. They have three sets of aging parents and this space would be useful.
- They could fill in the basement space if needed, but with the housing crisis they could also use the space to rent to students in the interim.
- They have plenty of parking space and they have not increased the footprint.
- They canvassed the neighbours and received positive reactions to their plans.

In reply to questions from the Board, the applicant stated:

- They are asking for approval to keep the 8' basement for a suite; they do not want to have to fill in usable space.
- They do not have any proof of the neighbour's support but they did speak with the neighbours who would be most impacted.
- They have improved the drainage in the area with his project.
- They had no choice but to dig deeper due to the amount of debris buried in the ground.
- They do not have the geotechnical information with them at this time to substantiate their claim.
- They did not deviate from the building permit drawings. They built as required but have decided to ask if they could convert the basement rather than filling it in. The space is usable and it will be very expensive to fill it in.

The Senior Planning Technician confirmed that if they fill in the space they will be in compliance with the Zoning Bylaw.

Board discussion:

- This is a major request and the hardship is questionable.
- There is a hardship as they could not have predicted what was buried under the house.
- It would be wrong to destroy usable space and it is Council's policy to increase accommodation.
- Even though this is a large request it affects nothing; filling in the basement will not change the look of the existing house exterior.
- People did bury debris in the past and there is a housing shortage.
- They deviated from the building permit and did not provide evidence to support their claims.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by E. Dahli: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4(c), further to the construction of an addition to the house on Lot 1, Section 85, Victoria District, Plan 12708 (4634 Vantreight Drive):

- a) relaxation of allowable floor space in non-basement areas from 75% to 90.41%

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 DEFEATED
With H. Charania OPPOSED**

The item was automatically **TABLED** for discussion at a future meeting when a full Board is present.

Hunt Road
New house

BOV #00846

Applicant: Strongitharm Consulting Ltd. OBO G. Phyllis Fatt
Property: 6137 Hunt Road
Variance: Relaxation of height from 7.5 m to 7.60 m

The Notice of Meeting was read and the applicant's letter received. Mr. Charania stated that he met with Mr. Fatt and Ms. Gayle on site.

Applicants:

Deane Strongitharm, applicant, and Wayne Fatt and Lisa Gayle were present in support of the application. The applicant stated:

- The error occurred when the builder was given the first set of plans to build with rather than the amended second set of plans that had the corrected floor elevations.
- The top of one dormer is causing the issue due to the definition of the bylaw.
- The overall building is not over height, the issue is just 4" on the dormer.
- The impact on neighbours is non-existent as this is a very large lot. It would be a hardship to have to correct this error.
- Mr. Fatt stated that he gave the contractor the wrong set of plans and this was an honest mistake.

Public input:

Nil

MOTION:

MOVED by R. Riddett and Seconded by E. Dahli: "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 18, South Saanich District, Plan VIP63380 (6137 Hunt Road):

- a) relaxation of height from 7.5 m to 7.60 m**

And further that construction is done in accordance with the plans submitted to the Board."

Board comments:

- This is a minor request. Dormers are often complex.
- There is no impact to the environment or to neighbours.
- It would be a hardship to have to reduce the dormer.

The Motion was then Put and CARRIED

Adjournment

On a motion from R. Riddett, the meeting was adjourned at 7:22 pm.

Haji Charania, Chair

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

Recording Secretary