

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MARCH 11, 2020 AT 6:00 P.M.**

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

Minutes: Moved by R. Riddett and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held February 12, 2020 be adopted as circulated."
CARRIED

Balmacarra Rd **Applicant: Brett Conarroe OBO Richard and Judith Midgley**
Accessory **Property: 4588 Balmacarra Road**
building **Variance: Relaxation of height from 3.75 m to 4.29 m**

BOV #00852 The Notice of Meeting was read and the applicant's letter received. Letter with comments received and letter of no objection received. Mr. Charania reported that he met with Mr. Midgley on the site visit.

Applicants: Brett Conarroe, applicant, Richard and Judy Midgley, owners and Lisa and Janessa Connaroe, relatives, were present in support of the application. The following was noted:

- They have spoken to neighbours and received no objections.
- An explanation was given about errors made by the surveyor and the framer. The errors resulted in both a higher foundation height and framing height.

In reply to questions from the Board the applicant and owners stated:

- They could have legally placed the structure nine feet closer to the property line. The building was placed in this location in order to try to save an Arbutus tree. Unfortunately the tree was compromised and had to be removed.
- There are old race cars in the tents on the property.
- The basement is a full basement and is 8' high below grade.
- The building is about 1,300 square feet on each floor (total 2,600 sq. ft).
- There will be a games room and two offices in this building.
- The building is for winter socializing and also for storage for car parts in the lower unfinished basement. There is no washroom in the basement.
- This building is not a building that can be lived in.
- The main house has five bedrooms and they only use one bedroom. The applicant plans to sell their own house and move into the main house with their family.
- It would cost around \$40,000 - \$50,000 to redo the three rooflines if they have to lower the structure. The plumbing and electrical is completed and would also be affected.
- The framing inspection was not done until after the plumbing and mechanical was installed. They were told by the inspections department that inspections would not occur until after this work was completed.
- They cannot adjust their foundation. They can adjust the framing height but it would be very costly.
- They designed the house to have no variances but errors occurred. They have been there since 1963 and wish to keep the property within the family and fully use and enjoy the whole property.

- The owners are in their 80's and do not want to move. They always intended to make a nice accessory building.
- This building is not any higher than others in the neighbourhood.
- The plans were approved by the municipality. They had no intention of going over height.

Board comments:

- The Bylaw intent for accessory buildings is defined in the bylaw.
- This looks like a garden suite.
- The Board cannot make assumptions on what the use of the building will be, they have to take the word of the applicant as to the intended use.
- This could become a secondary dwelling but if staff thought it was going to be illegal, they would not have approved it.
- This is about height and not use. It is a small building in terms of height.
- The cost to correct the height would be an undue hardship.

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 290.4(b), further to the construction of an accessory building on Lot B, Section 84, Victoria District, Plan 42525 (4588 Balmacarra Road):

a) relaxation of height from 3.75 m to 4.29 m

and that the building shall be constructed strictly in accordance with the plans submitted to the Board."

Board comments:

- Even though the permit was issued, this looks like a residence.
- The Board cannot presume use based upon the submitted plans.
- The intent of the Bylaw is to regulate height, not use.

In reply to a question the Planning Technician confirmed that the building cannot be used for any cooking or sleeping. They may have a sink, cabinets and a fridge but no microwave, hot plate or stove.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Riddett, the meeting was adjourned at 6:40 pm.

Haji Charania, Chair

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

Recording Secretary