

**MINUTES  
SPECIAL BOARD OF VARIANCE MEETING  
HELD IN COUNCIL CHAMBERS, SAANICH MUNICIPAL HALL  
JUNE 24, 2020 AT 6:00 P.M.**

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

Staff: S. deMedeiros, Planning Technician, T. Douglas, Senior Committee Clerk

Minutes: **Moved by E. Dahli and Seconded by D. Gunn: “That the minutes of the Board of Variance meeting held March 11, 2020 be adopted as amended.”**  
**CARRIED**

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Ministerial Order **Moved by M. Horner and Seconded by E. Dahli: “That this resolution is passed pursuant to Ministerial Order No. M192, made by the Minister of Public Safety and Solicitor General pursuant to the *Emergency Program Act* on June 17, 2020;**

**That this resolution applies to the Special Board of Variance meeting being held on Wednesday, June 24, 2020 (the “meeting”);**

**That the attendance of the public at the place of the meeting cannot be accommodated in accordance with the applicable requirements or recommendations under the *Public Health Act*, despite the best efforts of the Board, because:**

- 1. Gatherings of greater than 50 persons are prohibited under order of the Provincial Health Officer;**
- 2. The available meeting facilities at Saanich Municipal Hall cannot accommodate more than 23 persons present in person, including members of the Board and staff;**
- 3. There are no other facilities presently available that will allow physical attendance of the public in sufficient numbers:**
  - a. without violating the prohibition against gatherings of greater than 50 persons; or**
  - b. without compromising the availability of the options of attending the meeting by telephone conference.**

**That the Board is ensuring openness, transparency, accessibility and accountability in respect of the meeting by the following means:**

- 1. By allowing the public to hear and participate via telephone conferencing;**
- 2. By making the meeting notice available on the District of Saanich website, and directing interested persons to the website by means of the notices provided in respect to the meeting;**
- 3. By providing notice to adjacent properties of the meeting on June 15, 2020.**
- 4. By strongly encouraging the provision of written correspondence from the public in advance of the meeting; and**
- 5. By making minutes of the meeting available on the District of Saanich website following the meeting.”**

**CARRIED**

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Linnet Lane Addition  
BOV #00855

**Applicant:** Everest MacDonald OBO Aaron Cameron  
**Property:** 607 Linnet Lane  
**Variance:** Relaxation of height from 7.5 m to 9.81 m  
Relaxation of single face height from 7.5 m to 8.35 m

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

Applicants: Everest MacDonald, applicant and Aaron Cameron, owner, were present in support of the application via teleconference and had nothing to add.

In reply to a question the applicant stated that there is no alternative way to meet the Zoning Bylaw requirements due to the desire to keep many large trees on the site.

In a reply regarding the single face height and the overall height, the Planning Technician advised that the addition increases the average grade which affects the height.

Public input: Nil

**MOTION:** **MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(b)(i) and (ii), further to the construction of an addition to the house on Lot 2, Section 51, Lake District, Plan 11358 (607 Linnet Lane):**

- a) relaxation of height from 7.5 m to 9.81 m
- b) relaxation of single face height from 7.5 m to 8.35 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**

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Doncaster Drive Addition  
BOV #00856

**Applicant:** Paul and Christine Walde  
**Property:** 3648 Doncaster Drive  
**Variance:** Relaxation of interior side lot line from 1.5 m to 0.0 m  
Relaxation of sum of both side yards from 4.5 m to 2.86 m

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

Applicants: Paul and Christine Walde, applicant/owners were present via teleconference in support of the application and stated:

- They are asking for permission to replace wooden stairs with metal stairs.
- This area is the easiest way to access the house and the quickest way out in an emergency.
- They have received support from the neighbours for this project.

In reply to question from the Board the applicant stated:

- They do not own the shed at 3652 Doncaster Drive and that neighbour has indicated no objection to the variance request.

The Clerk confirmed the correspondence received regarding the application.

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, Section 210.4(a)(ii), further to the construction of an addition to the house on Lot 6, Section 43, Victoria District, Plan 19068 (3648 Doncaster Drive):

- a) relaxation of interior side lot line setback from 1.5 m to 0.0 m
- b) relaxation of the sum of both side yards from 4.5 m to 2.86 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:

- There is hardship in the positioning of the house on the site.
- This is a means of egress and must be replaced.
- The newer metal stairs are an improvement.
- There is a lack of space on the lot.

**The Motion was then Put and CARRIED**

Ascot Drive  
Deck addition  
  
BOV #00859

**Applicant:** S. Lassak OBO M. Lassak  
**Property:** 3800 Ascot Drive  
**Variance:** Relaxation of front lot line setback from 6.0 m to 4.10 m  
Relaxation of height from 6.5 m to 7.03 m

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

Applicants:

Marcelina Lassak, owner, was present in support of the application via teleconference, and in reply to questions from the Board stated:

- If denied, the deck would have to be cut off at the corner, or they would have to remove the side deck, or create a lower deck or patio. The proposed design provides a better flow for the home and keeps it more uniform.
- Neighbours that may be impacted by the addition were contacted by the applicant.
- They have met Saanich’s tree requirements and received permission to remove a Birch tree. This tree was not removed with mal-intent.
- The proposed deck is a standard size and conforms to modern requirements and gives good accessibility.
- Existing grape plants were kept, and a food garden will be planted. Grasses and ivy were removed; they are working on improving a neglected yard.
- Having a public walkway next door has resulted in garbage being thrown into their yard.
- They have had possession of the property for a year, and been actively working on the yard, and forming relationships with some of the neighbours.
- The slope is severe.

Public input:

Nil

Board comments:

- The points in a letter received do not have anything to do with the variance being requested.
- The most impacted person is not opposed, but future neighbours could be.
- The front yard feels more like an internal side yard and therefore this is a minor variance.
- The front setback request is not minor and this is a design choice.

**MOTION:** **MOVED** by R. Riddett and **Seconded** by E. Dahli: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and (b)(i), further to the construction of an addition to the house on Lot 1, Section 32, Victoria District, Plan VIP71649 (3800 Ascot Drive):

- a) relaxation of front lot line setback from 6.0 m to 4.10 m
- b) relaxation of height from 6.5 m to 7.03 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 legal elevation is a technicality.
- This is more like the side yard rather than the front yard.
- This is minor and there is good reason to permit it.
- This is a design choice.

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

Calumet Avenue  
Addition

**Applicant:** Bogdan Nicolici  
**Property:** 3449 Calumet Avenue

BOV #00860

**Variance:** Relaxation of front lot line setback from 6.0 m to 3.00 m  
Relaxation of combined front and rear lot lines from 15.0 m to 13.36 m  
Relaxation of exterior lot line setback from 3.5 m to 2.33 m

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

Applicants:

Bob and Sabina Nicolici, applicant/owners were present in support of the application via teleconference, and read a short statement regarding their application. In reply to questions from the Board, they stated:

- They cannot place the garage at the back because there is no driveway, an addition would affect the shed, and it would not be fitting in the back.
- There is space available at the front of their property and the designers thought this was the best placement.
- They have lived in the house for six years.
- A description of the rooms in the basement of their house was given. There is no space to store outside items in their basement.

Public input:

Nil

Board comments:

- The layout of a 1940’s house is a hardship.
- The renovation done in the 1990’s did not improve the living areas, it just improved the structure.

**MOTION:** **MOVED** by D. Gunn and **Seconded** by E. Dahli: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and (iii), further to the construction of an addition to the house on Lot 5, Section 7, Victoria District, Plan 1707 (3449 Calumet Avenue):

- a) relaxation of front lot line setback from 6.0 m to 3.00 m
- b) relaxation of combined front and rear lot lines from 15.0 m to 13.36 m
- c) relaxation of exterior lot line setback from 3.5 m to 2.33 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:

- There is a hardship in trying to renovate an older home.
- The boulevards on both streets are generous and not a lot can be done in the back yard.
- The neighbours are all in support.

**The Motion was then Put and CARRIED**

Wyndeatt  
Avenue  
Addition

**Applicant:** Villamar Design OBO Julia Norman  
**Property:** 2844 Wyndeatt Avenue  
**Variance:** Relaxation of combined interior side lot lines from 4.5 m to 2.71 m

BOV #00861

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

Applicants:

Duane Ensing, applicant and Julia Norman, owner, were present in support of the application via teleconference and replied to questions from the Board:

- The proposed renovation is at the rear and does not show from the street.
- The property lines were not clear; the fence is in maybe 2-3 feet in from the property line, but the survey does not indicate these measurements.
- The client did speak with neighbours, a couple had no comments and support was received from others.
- The owner has been in the house for five years.

In reply to a question the Planning Technician stated that it is a building permit requirement to have a site survey and this will be required at the foundation or framing stage.

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 210.4(a)(ii), further to the construction of an addition to the house on Lot 11, Section 21, Victoria District, Plan 1779 (2844 Wyndeatt Avenue):**

- a) relaxation of combined interior side lot lines from 4.5 m to 2.71 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 variance so permitted by this Order will expire.”

Board comments:

- They are trying to retain the existing footings and foundation.
- The issue that drives the variance is on the opposite side of the lot from where construction is occurring.
- The construction has no bearing on the critical setback.

**The Motion was then Put and CARRIED**

Burnside Road  
West  
Accessory  
building

**Applicant: Gurbax Aujla**  
**Property: 1515 Burnside Road West**  
**Variance: Relaxation of interior side lot line setback from 3.0 m to 2.35 m**  
**Relaxation of height of an accessory building from 3.75 m to 4.89 m**

BOV #00851

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

Applicants:

- G. Aujla, applicant/owner, and W. Peereboom, designer, were present in support of the application via teleconference, and noted the following:
- This is a request to relax an existing non-conforming structure that is not built squarely to the property line.
  - The height variance request is due to the slope of the land. This is only a one storey building.
  - The writer of a letter in opposition is mistakenly under the impression that the building size will increase.
  - The building is to be used for storage, commercial real estate business, and home occupation.
  - They are only at 17% site coverage and could build a much larger building, but the house is in good condition so they would like to save and use it.

The Planning Technician provided clarification about the allowable uses for the building and the decommissioning requirements.

In reply to questions from the Board, the designer and the owner stated:

- Hardship is that the building exists as is, and they cannot easily move it.
- They could lower the roofline to a flat roof in order to comply with zoning however this would be very expensive and a wasteful demolition, and they would still need a 30cm variance.
- If this was a barn it could be much taller and bigger.
- The building is for family business and family use.
- The clients did agree to demolish the building however they now wish to retain the building and use it.
- They have owned the property for six years, lived there for 2 ½ years and been in the newly built home for six months.
- They have never rented out this building.
- Plan B is to tear down the building if they are not able to retain it. This would be very wasteful.
- The owner has a commercial property and would use this building to store materials in the shop area of the structure.

The Planning Technician replied to Board questions:

- They are permitted the uses that they are stating (small office, storage).

- This would be considered an accessory building to the primary building and could have yoga rooms, offices, storage, etc. No kitchens are permitted.
- If there are different uses of the property in the future, the plans are tied to this application.

Board discussion:

- The owner agreed to demolish the building and is now breaking this promise.
- Suggestion made that this defeats the purpose of the bylaw and may vary density.
- This building could be deconstructed, it does not have to be demolished.
- If the building is used incorrectly, it will be up to bylaw enforcement to address this.

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 101.7(a) and (b), further to allowing an existing single family dwelling to be converted to an accessory building on Lot 2, Section 9, Esquimalt District, Plan 9843 (1515 Burnside Road West):**

- a) relaxation of interior side lot line setback from 3.0 m to 2.35 m
- b) relaxation of height of an accessory building from 3.75m to 4.89m

**And further that if construction in accordance with the plans submitted to the Board.”**

Board comments:

- There is hardship with environmental impact and cost of building removal.
- There are gas and water meters on the house to keep track of usage.
- This is a large building and this is a 30% increase in height; this should go to Council for a Development Variance Permit.
- There is no undue hardship and the applicant had agreed to demolish the building.

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

Adjournment On a motion from E. Dahli, the meeting was adjourned at 9:18 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