

**MINUTES
BOARD OF VARIANCE
KIRBY ROOM, 760 VERNON AVENUE
JULY 8, 2020 AT 6:00 P.M.**

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

Motion: **Moved by E. Dahli and Seconded by R. Riddett: “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 Board of Variance meeting being held on Wednesday, July 8, 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 14 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 26, 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

Vantreight Addition
BOV #00850

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

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

Moved by R. Riddett and Seconded by E. Dahli: "That the application for variance at 4634 Vantreight Drive be lifted from the table."

CARRIED

Applicants:

Harvey Stevenson, applicant/owner, was present via teleconference in support of the application and provided a timeline of events surrounding this renovation. The following was noted:

- They have provided a letter from a Geotechnical Engineer as requested by the Board in February 2020.
- 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 the buried debris under the house was removed.
- 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 length to accommodate proper stairs.
- His wife fell down the existing stairs and they wanted to create safer stairs.
- They are asking to turn the basement into a 1-bedroom suite. They have aging parents and having this space would be useful.
- They could fill in the basement space if needed, but with the housing crisis this goes against Saanich's policy.
- They have plenty of parking space.
- It would be a hardship to have to fill in the basement, as it is costly.
- They did not plan for this renovation in the first place, and would have to spend even more to comply with the bylaw.

Public input:

Patrick Marsden, Vantreight Drive,

- Is an adjacent neighbour. This application will not negatively affect the use and enjoyment of his home, and he is in support.
- Feels that if the applicant has to fill in the basement this is against Saanich policy regarding rental stock. It is important for the neighbourhood to have rental suites.

The applicant replied to questions from the Board and the following was noted:

- The building is permitted under the building plan in terms of square footage. The only area in question is the basement.
- The only way to comply with the bylaw is to fill in the basement.
- He has spoken with all neighbour except across the street. The person on the west expressed no objection, but did not provide a letter, and the neighbour on the east is in support.
- The building was constructed with permits. The only area in question is the basement area.

- They realized they had enough space to use the basement area after putting the house back together. Around the same time the site inspection identified the area as not being a crawlspace. At this point they stopped construction and applied for a variance to keep the basement area.
- There are no plumbing or electrical rough-ins in the lower area. There is only a drain that is required by Code. Nothing is finished.
- When the building was a cottage, this area was a basement.
- It was never the intention to build this way. They had wanted a smaller building and to keep the original cottage. They had to design an addition off to the side; this entire build has been a by-product of the unknown.
- They submitted an application for variance as soon as it was known they need to do so. This entire project has been a very stressful undertaking.

The Planning Technician stated that if denied, the options available to the applicant are to conform by converting the area to a crawlspace, or to go to Council to request a Development Variance permit.

MOTION: MOVED by D. Gunn and Seconded by E. Dahli: “That the following request for variance to relax the allowable floor space in non-basement areas from 75% to 90.41% 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) be DENIED.”

Board comments:

- The increase in size is about 20.5%. This is a major variance request.
- There is a hardship with the lot shape and the geotechnical issues.
- This is of the applicant’s own making, and it is suggested that the applicant make a request to Council for a Development Variance Permit.
- This decision does not mean the Board is opposed, however this request is major and outside the Board’s jurisdiction.

The Motion was then Put and CARRIED

Pearce Crescent Addition BOV #00862	Applicant: Victoria Design Group OBO Matthew & Elizabeth Belanger Property: 1215 Pearce Crescent Variance: Relaxation of front lot line setback from 7.5 m to 5.20 m Relaxation of allowable floor space in non-basement areas from 75% to 81.20%
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: Will Peereboom, applicant, and Elizabeth Belanger, owner were present via teleconference in support of the application, and stated:

- The front setback request is for a portion of the staircase.
- The non-basement area (NBA) is needed because the lot is mis-zoned and they would normally enjoy an 80% allowable NBA if it was zoned appropriately.
- They looked at building a garage to store all the gear they need to store, but it is very important to the homeowner to retain an existing fir tree.
- They have lived in the area for 12 years and this is their forever home.

- They want to stay in the home but they are living on top of each other and need more space. In addition to their children, they also have a parent living with them.
- There is only one bathroom for five people and there is no space for storage.
- It would require major digging and underpinning to add a basement to the house and would affect the tree.

In reply to questions from the Board the applicant stated:

- They originally wanted a garage but would need to excavate into the tree’s root zone. The same problem exists with the option to make a basement.
- They are looking to add a new living room, dining room and kitchen upstairs.
- They had discussed restoring the garage where the father-in-law lives, but the space as it is currently being used works well for the family.
- The RS-18 zone is part of the hardship.

Public input: Nil

MOTION: **MOVED by R. Riddett and Seconded by E. Dahli: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(i) and (c), further to the construction of an addition to the house on Lot 44, Section 7, Lake District, Plan 12595 (1215 Pearce Crescent):**

- a) relaxation of front lot line setback from 7.5 m to 5.20 m
- b) Relaxation of allowable floor space in non-basement areas from 75% to 81.20%

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 present zoning is a hardship. This lot size is comparable to RS-10.
- They have tried to design this the best way they can.
- This is a very minor request.

The Motion was then Put and CARRIED

<p>Parker Avenue Sea wall BOV #00863</p>	<p>Applicant: Maureen Munn and Michael Heinekey Property: 5389 Parker Avenue Variance: Relaxation to allow a structure to be constructed or located upon or over the land lying below the natural boundary of the ocean. Relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 2.10 m Relaxation of the maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.00 m located below the natural boundary of the ocean</p>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: Maureen Munn and Michael Heinekey, applicants/owners, were present via teleconference in support of this application and the next application.

- They would like to rebuild and repair the seawall before the winter.

- They are concerned about land erosion.
- This is a public area and sometimes children will climb on the rocks. They would like to repair the area to make it safer.

Public input: Luke Winter, Parker Avenue:

- Agrees with the applicants. There was heavy damage done to the wall over the past year.

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 5.16(a) and 5.16(b), further to the repair to the seawall on Lot 34, Lake District, Plan 4733 (5389 Parker Avenue):

- a) relaxation to allow a structure to be constructed or located upon or over the land lying below the natural boundary of the ocean.
- b) relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 2.10 m
- c) relaxation of the maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.00 m located below the natural boundary of the ocean

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 large crack and the land is being washed away.
- A question was raised about the intent of the Bylaw. It was suggested that it is to avoid installation of fencing that blocks the seashore.
- There is a clear hardship.

The Motion was then Put and CARRIED

Parker Avenue
Sea Wall

Applicant: Luke Winter
Property: 5387 Parker Avenue
Variance: Relaxation to allow a structure to be constructed or located upon or over the land lying below the natural boundary of the ocean.
Relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 2.10 m
Relaxation of the maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.00 m located below the natural boundary of the ocean

BOV #00864

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

Applicants: Luke Winter, applicant/owner, was present via teleconference in support of the application and noted he had purchased the home in November and moved in this past February. The storms during that time caused a lot of damage and needs repair.

Public input: M. Munn & M. Heinekey, Parker Avenue:

- Are in support of the application.

MOTION: **MOVED** by D. Gunn and **Seconded** by E. Dahli: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 5.16(a) and 5.16(b), further to the repair to the seawall on Lot AM33, Section 33/4, Lake District, Plan 4733 (5387 Parker Avenue):

- a) relaxation to allow a structure to be constructed or located upon or over the land lying below the natural boundary of the ocean.
- b) relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 2.10 m
- c) relaxation of the maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.00 m located below the natural boundary of the ocean

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 clear.
- The plans provided by the applicant were well laid out.

The Motion was then Put and CARRIED

Cortez Place
New house

BOV #00865

Applicant: Fred Fernandes
Property: 4154 Cortez Place
Variance: Relaxation of height from 7.5 m to 8.69 m
Relaxation of single face height from 7.5 m to 9.07 m

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

Applicants:

Fred and Janet Fernandes, applicant/owners, were present via teleconference in support of the application, and stated:

- They have previously lived in a house with a sump pump, and experienced flooding due to power outages/equipment failure. They do not want to build a house that relies on a sump pump.
- They were told by JE Anderson that this is a challenging site because of the high sewer and drains.
- They want accessible main level living in order to accommodate a frail family member.
- The house is 51 feet away from the back fence so this structure should not impact the neighbour’s sun. The house will have only two floors.
- They are bringing a substantial amount of fill in so they can have a crawlspace for their mechanical systems. They need a minimum of 42” height in the crawlspace.

The Planning Technician confirmed that there is a 2.17 metre difference in grade from existing to proposed with the fill being brought in.

Public input: Nil

MOTION: **MOVED** by R. Riddett and **Seconded** by E. Dahli: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 230.4(b)(i) and (ii), further to the construction of a single family dwelling on Lot 4, Section 58, Victoria District, Plan EPP98286 (4154 Cortez Place):

- a) relaxation of height from 7.5 m to 8.69 m
- b) relaxation of single face height from 7.5 m to 9.07 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 slope of the site will change and the current grade is not where the house will sit.
- This will look like a standard house, not oversized.
- They will excavate for a crawl space rather than a basement.

The Motion was then Put and CARRIED

Waters Edge Road New house	Applicant: DS Murphy Contracting obo 500155 BC Ltd. Property: 1227 Waters Edge Road Variance: Relaxation of single face height from 6.5 m to 6.9 m
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BOV #00867 The Notice of Meeting was read and the applicant’s letter received.

Applicants: Dan Murphy, applicant, was present via teleconference in support of the application and stated:

- His plans were submitted and accepted by Saanich, but the house is slightly over height.
- It conforms at the front but not at the back because of the slope of the property.
- They dropped the house down to the maximum amount they could for the sewer and perimeter drains.
- He has built four houses on this street and this is the only one with the geodetic issues at the back.
- The roof is 7’ below the neighbour’s site.
- Three different surveys were done and they all had different results; this has been a challenging project.

The neighbours are no opposed to the house as it stands.

In reply to questions from the Board:

- They dropped the house 3 feet below curb level to deal with the height. It would have looked better if it was at curb height but this was not possible.
- The ceilings are 9’ on both floors. This is not a big house.
- An explanation of storm and sewer drain locations was given.
- It would be about \$20,000 to cut some height off the back roof but it would affect the look of the house and the inside as well. They would like solar panels and altering the roofline would affect this.

Board discussion:

- There is a hardship with the high elevation of the sewer line and this is a fairly minor error.

- There is no objections from the neighbours.
- The 9’ ceilings are a design choice; if they were 8’ they would not be here.
- Modern homes have 9’ and higher ceilings and this is appropriate for the design of the house.
- It is a mildly sloped lot but the elevations are confusing.
- They tried to mitigate the problem by dropping the house lower in the ground.

The Planning Technician reported that the designer was foreign and did not understand single face height.

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 250.4(b)(ii), further to the construction of a new single family dwelling on Strata Lot 4, Section 25, Lake District, Plan EPS3441 (1227 Waters Edge Road):**

- a) relaxation of single face height from 6.5 m to 6.9 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.”

CARRIED

Adjournment On a motion from E. Dahli, the meeting was adjourned at 8:25 pm.

Haji Charania, Chair

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

Recording Secretary