

**MINUTES
BOARD OF VARIANCE
COUNCIL CHAMBERS, SAANICH MUNICIPAL HALL
August 12, 2020 AT 5:56 P.M.**

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

Staff: K. Kaiser, Planning Technician, S. deMedeiros, Planning Technician, T. Da Silva, Senior Committee Clerk

Minutes: Moved by E. Dahli and Seconded by M. Horner: "That the minutes of the Board of Variance meeting held June 24, 2020, be adopted as circulated.
CARRIED

Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held July 8, 2020 be adopted as circulated.
CARRIED

Hilarie Place
Accessory
building

Applicant: W. John Thorpe
Property: 5006 Hilarie Place
Variance: Relaxation of height from 3.75 m to 4.88 m
Relaxation of lot coverage of 100 m² to 161.12 m²

BOV #00866

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

Applicants:

John Thorpe, applicant, via teleconference, noted to the Board:

- This accessory building is proposed to protect a recreational vehicle (RV) from falling tree branches.
- One RV has been destroyed from a tree branch breaking off. During the winter, the ridge area is very windy, and branches frequently break off and cause damage.

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

- This structure will also contain an art studio and home office.
- The height variance request is to accommodate the RV; the lot coverage request is to provide space for the art studio.
- The site is in the RS-18 zone, while other properties in the area are RS-12. There is no intention to apply for rezoning; moving from this location will be the alternative.

Public input: Nil

Board members discussed and agreed to separate the variance requests into two motions.

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.4(b), further to the construction of addition accessory building on Lot 4, Section 29, Lake District, Plan 12600 (5006 Hilarie Place):

a) Relaxation of height from 3.75 m to 4.88 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 will be minimal impact on the neighbours.
- There is demonstrated hardship on the applicant.

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

MOTION: MOVED by D. Gunn and Seconded by E. Dahli: “That the following requests for variance from the requirement of Zoning Bylaw 2003, Section 295.4(c), further to the construction of addition accessory building on Lot 4, Section 29, Lake District, Plan 12600 (5006 Hilarie Place) be DENIED:

a) Relaxation of maximum lot coverage of 100 m² to 161.12 m².”

Board comments:

- The RS-12 Zone allows 10% lot coverage, while the RS-18 Zone allows 100 square metres. The home on this RS-18 zoned lot is built to the maximum lot coverage permitted.
- The maximum lot coverage request is a significant variance request and falls outside of our purview.
- There is no demonstrated hardship.

The Motion was then Put and CARRIED

Eagle Rock
Heights
New house

Applicant: Dodd Development
Property: 4043 Eagle Rock Heights
Variance: Relaxation of height from 7.5 m to 8.84 m
Relaxation of single face height from 7.5 m to 8.41 m

BOV #00857

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

Applicants:

Karn and Komal Dodd, applicants, present in the room, and Wil Peereboom, Architect, Victoria Design Group, via teleconference, noted to the Board:

- The average grade measurement of the site is affected by the height calculation benchmark. The physical dwelling will conform to the bylaw in spirit as the building’s massing is reasonable and constrained.
- Eagle Rock Heights’ road has been lowered one metre to mitigate the grade issues.
- This home still presents as a one and a half storey dwelling from the streetscape while maintaining driveways that are somewhat level to the road.
- Considerations had been given to having the driveways enter and exit onto Saanich Road, but it was determined that the impact on traffic would be significant.

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

- The basement and main storey ceiling heights are nine feet, and the top floor is eight feet. Lowering the basement ceiling would not affect the variance, and lowering the main floor ceiling would reduce the variance by .3 of a metre.

- A sloped driveway would make a .3 or .4 of a metre difference as they are quite short. There is an existing easement for firetruck turnaround that is required to remain level.
- The opposing neighbour will have more light and a view that would not have been available to him otherwise.
- The neighbour building next door was consulted, but not the other neighbours.
- If this project were to have a flat roof, with the zoning regulations, the allowable height drops by one meter. Therefore, the variance increases.
- The service right of way for the sewer also poses a hardship.
- With the variances requested and the new road height, the driveways are almost at zero grade.

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 210.4(b)(i) and (ii), further to the construction of a new single family dwelling on Strata Lot C, Section 64, Victoria District, Plan EPS5642 (4043 Eagle Rock Heights):**

- a) Relaxation of height from 7.5 m to 8.84 m
- b) Relaxation of single face height from 7.5 m to 8.41 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 genuine hardship in the slope of the lot as it causes unforeseen problems with defining the grade, which is unique to this particular area.
- There is a very little diminution of the opposing neighbour’s view.
- This site has a challenging topography.
- Ceiling heights are a design consideration. The current bylaws were written with eight-foot ceilings in mind; consideration should be given to our bylaws being out of step with modern design.
- More neighbourhood consultation should have been considered.

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

Eagle Rock Heights New house BOV #00858	Applicant: Dodd Development Property: 4045 Eagle Rock Heights Variance: Relaxation of height from 7.5 m to 9.33 m Relaxation of allowable floor space in non-basement areas from 80% to 88.63%
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: Karn and Komal Dodd, applicants, present in the room, and Wil Peereboom, Architect, Victoria Design Group, via teleconference, noted to the Board:

- This site has very similar conditions to 4043 Eagle Rock Heights, regarding slope and grade, although the rear elevation grades are a fair bit lower.
- The house meets the intent of the bylaw.
- The basement will be submerged five feet into the ground based on the existing natural grade.
- There is a significant tree covenant on this property that has necessitated the narrowing of the building envelope on the left side.
- Construction of the dwelling will start three feet away from the tree covenanted area to not disturb the tree root systems.
- The exploration into the development of a bungalow with a basement determined that there was not enough living area to bring the bedrooms down from the upper floor to the main level.

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

- The ceiling heights are the same in this house, nine feet in the basement and main floor and eight feet in the upper level.
- Total lot coverage is 26.25%, this includes the deck.
- From every profile, the dwelling appears stepped down with the lot. From the rearview, the house steps away from the road.
- A Garry Oak (504) and another large tree (503) will be removed and replaced on a 1:3 basis.
- Community engagement consisted of an open house in which over twenty families attended. All details were available, including the tree covenant area. The neighbours are well versed in the tree covenant subject.

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 210.4(b)(i) and (c), further to the construction of a new single family dwelling on Strata Lot B, Section 64, Victoria District, Plan EPS5642 (4045 Eagle Rock Heights):**

- a) Relaxation of height from 7.5 m to 9.33 m
- b) Relaxation of allowable floor space in non-basement areas from 80% to 88.63%

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:

- Very similar issues as the property at 4043 Eagle Rock Heights.
- The slope creates a genuine hardship with the additional constraint of the tree covenant.
- There will be minimal effect on the neighbours.
- Consideration could have been given to the reduction in the height and size of the building.

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

MacDonald Drive East Addition
Applicant: Charles & Vanessa Velikovsky
Property: 2625 MacDonald Drive East
Variance: Relaxation of interior side lot line from 1.5 m to 0.78 m

BOV #00868 The Notice of Meeting was read and the applicant's letter received.

Applicants: Charles & Vanessa Velikovsky, owner/applicant, present in the room, noted:

- Previously there was a temporary structure made of pipe and a tarp to cover the RV, but the tarp was destroyed in a snowstorm. The structure has since been dismantled.
- A building permit was issued to construct an addition of a permanent carport and a suite above the carport.
- The carport was built to accommodate the RV. Although approved for twelve feet, construction for fifteen feet took place to allow sufficient room to park the RV.
- Before creating the larger carport, the applicant spoke to a building inspector to clarify requirements but received incorrect information or misunderstood the information collected.

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

- On the left side of the building, we have thirteen feet clearance, and on the other side of the building, there is 2.76 feet clear.
- All neighbours were consulted.
- The one opposed neighbour is behind the property, on the other side of the twenty-foot hedge and cannot see the addition.
- Moving the post in would not work for the RV

In response to questions from the Board, the Planning Technician stated:

- Had the applicants made Planning aware of the change in dimensions, new plans would have been required.

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, Section 275.3(a)(iii), further to the construction of a carport addition to the dwelling on Lot 16, Section 44, Victoria District, Plan 5905 (2625 MacDonald Drive East):

a) relaxation of interior side lot line setback from 1.5 m to 0.78 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:

- This is a self-imposed hardship as you took it upon yourselves to increase the size, however, also a hardship in needing to shelter to the RV.
- This is out of sight and does not impact the neighbourhood; Sherwood Road and MacDonald Road neighbours are supportive.
- This is a minor variance.
- There was either incorrect information or a misunderstanding regarding the allowable addition.

The Motion was then Put and CARRIED

Echo Drive
Accessory
building **Applicant: Kevin Mickelson**
Property: 5010 Echo Drive
Variance: Relaxation of interior side lot line from 3.0 m to 1.8 m

BOV #00871 The Notice of Meeting was read and the applicant's letter received.

Applicants: Kevin Mickelson, owner/applicant, present in the room, noted:

- The building has been there for at least 70 years.
- The building is being raised and due to the slope of the property one corner is too close the interior side lot line.

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

- There have not been any buildings recently removed from the property.
- The opposing neighbours do not live close by, their argument is of a personal nature. The neighbours that are in close proximity have no issue with the variance request.
- The new crawlspace will be approximately 48 inches high. The new foundation is being poured over the old foundation and extended by about 40 inches.

In response to questions from the Board, the Planning Technician stated:

- It is due to the lifting of the shed that is triggering the request for a variance. Without lifting the shed, it could have remained a non-conforming structure.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 125.8(a)(ii), further to the renovation of an existing accessory building on Lot 15, Section 89, Lake District, Plan 2091 (5010 Echo Drive):

a) relaxation of interior side lot line setback from 3.0 m to 1.8 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 no impact to the environment or hardship to the neighbours.
- This is a minor variance and there would be a hardship in moving the building off of the foundation.

The Motion was then Put and CARRIED

Burnside Road
West
Accessory
building **Applicant: Ron McNeil**
Property: 1545 Burnside Road West
Variance: Relaxation of height of an accessory building from 3.75 m to 6.09 m

BOV #00872 The Notice of Meeting was read and the applicant's letter received.

Applicants: Ron McNeil, applicant, present in the room, noted:

- This request is for the previous house left on site of a new build and the owner would like to decommission it and convert it to a non-agricultural accessory building for storage and office space.
- The height request is not an overpowering height; it seems exaggerated because we have to measure to the midpoint of the dormer.

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

- There have not been any buildings recently removed from the property.
- The opposing neighbours do not live close by; their argument is personal. The neighbours that live nearby have no issue with the variance request.
- The owners did not agree to tear down the building; they have drawings that show it will be retained.
- The site plan said the building was to be decommissioned and retained. The owners were hoping to keep it for an agricultural accessory building.
- An application for an agricultural accessory building was submitted and denied, as Saanich determined that this piece of property does not have enough land.
- The basement of the building will be a storage area; the main floor is office space. There will be farm-related uses of sorts. The owners have family that still wants to do some farming in the low-lying area, light-duty farming uses.

In response to questions from the Board, the Planning Technician stated:

- This property is in the A-1 Zone, where garden suites are not permitted. Even if it were in the RS zoned, garden suites are limited to 1000 square feet and must be in the rear yard.
- A building permit for a delayed demo was issued in February 2018 and was bonded for \$10,000. A1 zoning does not allow for two dwellings on the same property.
- Even if the owner was considering an agricultural accessory building, they would require a building permit and need to apply for decommissioning.

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, Section 101.7(b), further to the conversion of a single family dwelling into an accessory building on Parcel A of Lot 1, Section 9, Esquimalt District, Plan 9843 (1545 Burnside Road West):**

a) Relaxation of accessory building height from 3.75 m to 6.09 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:

- This request is not a minor variance; it is a considerable variation in height.
- There is no evident hardship.
- Moving this building would be preferable to demolishing it; there is an environmental impact.

**The Motion was then Put and DEFEATED
With D. Gunn, E. Dahli, and M. Horner OPPOSED**

Sims Avenue
Addition
BOV #00873

Applicant: Matthew Cooke and Alanna McDonagh
Property: 227 Sims Avenue
Variance: Relaxation of combined front and rear lot line setbacks from 15.0 m to 13.50 m
Relaxation of interior side lot line setback from 1.5 m to 1.40m
Relaxation of minimum combined interior side lot line setbacks from 4.5 m to 2.90 m
Relaxation of allowable floor space in non-basement areas from 80% to 84.42%

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

Applicants: Alanna McDonagh, owner/applicant, present in the room, noted:

- The intention is to create more room for their growing family while also raising the home's integrity and design.
- There are design challenges due to the small lot size and the era of the house.
- The proposal locates mass to the rear of the property and is consistent with the neighbourhood's existing character.

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

- This lot is small than the standard RS-6 lot.
- Since 2016 the house has been undergoing a full renovation on the existing footprint. The only other alternative would be to relocate.
- Housing the children in a basement is not desirable.

In response to questions from the Board, the Planning Technician stated:

- The proposal contains 33.27% lot coverage, whereas 40% is permitted.

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 210.4(a)(i) and (ii), and 201.4(c), further to the construction of an addition to the dwelling on Lot 25, Section 14, Victoria District, Plan 877 (227 Sims Avenue):

- a) Relaxation of combined front and rear lot line setbacks from 15.0m to 13.50 m
- b) Relaxation of interior side lot line setback from 1.5 m to 1.40m
- c) Relaxation of minimum combined interior side lot line setbacks from 4.5 m to 2.90 m
- d) Relaxation of allowable floor space in non-basement areas from 80% to 84.42%

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 are hardships given the lot size and existing location of the house on the lot.

- The requested variances are minor, which essentially equals .9 square metres.
- There is no opposition from the neighbours and no impact on the environment.
- The Board appreciated how well the property was marked.

The Motion was then Put and CARRIED

Adjournment On a motion from D. Gunn, the meeting was adjourned at 8:33 pm.

Haji Charania, Chair

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

Recording Secretary