

**MINUTES
BOARD OF VARIANCE
COUNCIL CHAMBERS, SAANICH MUNICIPAL HALL
WEDNESDAY, JANUARY 13, 2021 AT 6:00 P.M.**

Members: M. Horner (Chair), W. Goldiet, J. Uliana, K. Weir, K. Zirul

Staff: K. Kaiser, Planning Technician, T. Douglas, Senior Committee Clerk

Minutes: Moved by K. Zirul and Seconded by K. Weir: "That the minutes of the Board of Variance meeting held December 9, 2020 be adopted as circulated."
CARRIED

Election of Chair: The Senior Committee Clerk called the meeting to order and asked for nominations for the Chair. M. Horner was nominated and accepted the nomination. The Clerk called twice more for further nominations and as there were none it was announced that M. Horner is the Board of Variance Chair for 2021. Ms. Horner assumed the Chair.

Inez Drive Accessory building
BOV #00892

Applicant: Rob Wickson
Property: 2836 Inez Drive
Variance: Relaxation of interior side lot line setback from 1.5 m to 0.11 m

The Notice of Meeting was read and the applicant's letter received. Letter not in support received from one resident.

Applicants (via telephone): Rob Wickson, applicant/owner, was present via telephone in support of the application. He stated:

- They have been operating their business downtown for 41 years and moved it to their home basement because of the pandemic.
- The extensive file system needed space, so they made a decision to move their bikes out of the basement to make room for the files and equipment.
- The opportunity came along to build a storage facility for the bikes beside the basement door. The bikes are their main transportation.
- The complaint about the shed comes from someone who does not live next door and whose house is for sale.
- They have been working hard to adjust their space to be able to work safely from home.

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

- There is nowhere else to put the shed.
- From the driveway up to the front porch it is about 20 steps, and the steep slope continues into the back yard.
- If they were to put a shed in the back yard, they would need to level the ground, build a platform and build a driveway up the side of the house to the back yard. All the required work would be very expensive.
- They are senior citizens and e-bikes are too heavy to push up the slope
- The logical place to put the shed is where it is standing. They do all their shopping on their bicycles. Having a shed beside the house door enables them to easily bring in groceries and other items.
- There are no concerns about runoff from the shed roof. There is a lot of runoff that comes off the property and it travels down the driveway. There is also a significant amount of vegetation near the structure and lots of room for water to go. Putting an eavestrough on the building would be easy to do if necessary.

- A gate will be installed; their builder is presently recovering from an injury.
- They built a nice custom building with lumber that was milled specifically for this project.
- The existing fence was already leaning prior to the construction of the shed and they are hoping once the property has sold next door the new neighbour will go together on installing a new fence in that section.
- They were aware that they were encroaching on the setback when building the structure but understood that the bylaw is not enforced unless a complaint is made.
- They had to move quickly and went ahead and built the structure.
- They knew they would have to go through this process if someone complained.
- The shed is not secured to the ground. It has a gravel foundation and the shed sits on top. It could be moved but it would be difficult because it is heavy.
- They are strong Saanich citizens and have worked hard as volunteers on Saanich's behalf.
- They did not build the shed to take away from anyone; they built a nice structure to contain their main mode of transportation. If they cannot keep the shed in place, they will likely give up on the bikes and start driving their car.

Board comments:

- The argument is that the access of the bikes to the back would be difficult. In looking at the property it appears the challenge could be remedied easily with a small ramp. E-bikes can be pushed under their own power. Member's opinion is that the hardship is not there to require a variance.
- The applicant knew they were not in compliance but went ahead and built the structure anyway. With a bit of work they can place the structure in the back yard. Cost may be a hardship but they haven't heard it is not do-able.
- The structure is placed in a logical area, but they went ahead and built the structure and are begging for forgiveness after the fact. Other buildings in the neighbourhood are not as nice and appear to contravene the bylaw. Member supports the application, but possible water runoff should be addressed if necessary.
- The approval of the building is based upon whether the Board will accept a building that close to the property line. The Board has no control over the look of the structure or mitigating issues like drainage.
- If in the future the neighbour were to renovate and put in a window on that side of the house for more light, their view would be of the shed.

Public input: Nil

MOTION: **MOVED by K. Zirul and Seconded by J. Uliana: "That the request to relax the interior side lot line setback from 1.5 metres to 0.11 metres from the requirements of Zoning Bylaw 2003, Section 5.34(a)(ii), to allow an existing accessory building to remain at Lot S11, Section 15, Victoria District, Plan 1070 (2836 Inez Drive) be DENIED."**

**The Motion was then Put and CARRIED
With M. Horner and K. Weir OPPOSED**

Elk Road
Addition

Applicant: Premium Urban Design OBO Brad Warrington
Property: 4850 Elk Road
Variance: Relaxation of interior side lot line setback from 3.0m to 1.9m

BOV #00897

The Notice of Meeting was read and the applicant's letter received. Correspondence received in support from three residences.

Applicants:

Michael Schell, Premium Urban Design, applicant, and Brad Warrington, owner, were present in support of the application and responded to questions of the Board:

- They confirmed the plan is to build on both sides of the existing house, up and over the garage and adding another section to the northwest.
- The owners hoped to have all members of the household on the same floor by extending onto the bedrooms and extending a sunroom off the kitchen.
- The space is needed for a growing family.
- There is a very large boulder just past the deck, and it is not cost effective to have it removed to build outward. It makes more sense to build above the existing garage and extend the main floor as proposed.
- They do not have to remove the rock as far as they know; they do not know how large the rock is overall. They feel that there should not be too much interference from the rock with the proposed plan.
- They have support from the neighbours on the north, south and east side.
- They have approval to remove some flagged trees that are deemed dangerous, are non-functional and are ripping up the driveway and garage foundation. Replacement trees will be planted.
- They plan to replace the foundation after trees are removed. There are no cost savings to retain the garage due to the foundation issues.
- Hardships include:
 - They are dealing with a pre-existing non-conformity. The owner purchased the house fairly recently and there a few problems with the property they weren't aware of.
 - The cost of the foundation replacement and the pre-existing non-conforming condition.
 - The garage is for a single car; if they have to meet the setback they would not be able to fit a car inside a shorter garage.
 - There is a major fir tree that they cannot move so they cannot move the garage door over.
 - They have Goward springs running along the property so they are in a flood plain and riparian area. Everything they've tried to do to make property better has been met with problems and barriers.
- They are just looking to build a modest house on the same footprint. The current 1,600 square foot home is not large enough for a growing family.
- They currently have 2 bedrooms upstairs about 10' x 10', and downstairs they have one smaller room as well.
- If they were to stretch out any further there would be issues with the boulder as well as possible environmental impacts to the stream if blasting was necessary.
- They have done their best to do their due diligence with this application.

In reply to a question, the Planner confirmed that there are two frontages and two sides to the property.

Board discussion:

- They are proposing to build on top of an existing non-conforming garage.
- Concern expressed that if approved the Board may be furthering a non-conformity.
- It makes practical sense to build on top of an existing structure and to rebuild a damaged foundation.
- It would have been good to have geotechnical information.

- The applicant has worked with Saanich on all aspects of the application.

Public input: Nil

MOTION: **MOVED by J. Uliana and Seconded by W. Goldiet : “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.5(a)(ii), further to the construction of an addition to the house on Lot 2, Section 104 & 105, Lake District, Plan 6601 (4850 Elk Road):**

- a) relaxation of interior side lot line setback from 3.0 m to 1.9 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.”

The Motion was then Put and CARRIED

Lily Avenue
New house

BOV #00896

Applicant: Ron McNeil Designs OBO Gurpal Atwal
Property: 789 Lily Avenue
Variance: Relaxation of combined front and rear lot line setbacks from 15.0 m to 14.81 m

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from two residences.

Applicants:

Ron McNeil, applicant and Gurpal Atwal, owner were present in support of the application and stated:

- They are asking for a variance of 0.2m on the combined front and rear setbacks. They conform at both front and rear individually but not combined.
- The mistake was made when the builder assumed that the property line did not angle the way it does, so there is a small sliver that encroaches 8” across a 20’ length. They conform to all other Bylaw requirements.
- The neighbours are in support of the application.
- Modifications to correct the framing would be drastic and difficult as the trusses are already done.

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

- The drawings showing the line of non-compliance do not show the correct revision date; the applicant clarified when the drawings were revised.
- The hardship is that the trusses are on and it would be a great task to modify the building.
- The plans were not altered. The builder did not follow the line of the original plan and failed to recognize that the land angled in which resulted in an unintentional encroachment.
- The owner is building the house for a family member.

Board discussion:

- Applicant is cautioned about the control of design and planning future developments. Plans are approved by the municipality and should be followed.
- This is a minor variance request.

Public input: Nil

MOTION: **MOVED by K. Weir and Seconded by K. Zirul: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section**

220.4(a)(i), further to the construction of a new house on Lot 1, Section 65, Victoria District, Plan EPP92604 (789 Lily Avenue):

- a) relaxation of combined front and rear lot line setbacks from 15.0 m to 14.81 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.”

The Motion was then Put and CARRIED

Adjournment On a motion from K. Zirul, the meeting was adjourned at 7:37 pm.

Melissa Horner, Chair

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

Recording Secretary