

**MINUTES  
BOARD OF VARIANCE  
HELD ELECTRONICALLY VIA MICROSOFT TEAMS  
SAANICH MUNICIPAL HALL  
MAY 12, 2021 AT 5:20 P.M.**

---

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

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

Minutes: Moved by K. Weir and Seconded by K. Zirul: "That the minutes of the Board of Variance meeting held April 14, 2021 be adopted as circulated."

CARRIED

---

Oak Crest Drive Fence  
BOV #00916

**Applicant: Jivko Jeliazkov**  
**Property: 1557 Oak Crest Drive**  
**Variance: Relaxation of height from 1.9 m to 2.18 m**

The Notice of Meeting was read and the applicant's letter received. Letters not in support received from two residences.

Applicants: Jivko Jeliazkov, applicant/owner was present in support of the application and had nothing to add. He stated that it is his understanding that measurements are taken from grade and that he is really only 4" taller in height than permitted.

In reply to questions, the Planning Technician stated that grade means measuring from the natural grade and he is not sure where the grade was located before construction of the fence. He also confirmed that the Bylaw department is aware of this application and this is a Bylaw case.

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

- He went ahead and built the fence because the grade is easy to determine as the ground is rock in this area.
- He had intended to stop at the permitted height.
- The fence was mis-measured by the Bylaw Officer. You can clearly see the grade from the other side of the wall.
- He dug down into the rock in order to plant grass in the area.
- His own measurements say the structure is only 4" over height but he is asking for 8" because that is what the Bylaw Officer measured.
- The neighbour's fence on the other side of the brick is in poor condition. If they are asking for him to make the brick look nicer on their side, he can paint and smooth it.
- He needs the whole fence to be cinder block in order to maintain its integrity.

The Planning Technician confirmed that the applicant has been told they will have to cut the posts down as they are included in the height measurement.

In reply to a question about hardship, the applicant stated there is not much of a hardship although the wall does step up with the grade. He could remove one row of bricks and cut the posts to that level. He emphasized that the fence was mis-measured by the Bylaw Officer and 8" is not the correct measurement.

In reply to a question about the difference between fences and structures, the Planning Technician noted that this is considered to be a fence as it is along the property line and does not have a roof.

Board discussion:

- The applicant’s letter expressed concern about headlights coming in from the roundabout. Some Board members drove there and could not see a significant line from their vehicles to the applicant’s windows.
- This is an urban environment and light and noise are out of ones’ control.
- Members struggle to see a hardship and the applicant has said there is no clear hardship. It is unfortunate if lights shine in their home but this cannot be defined as a hardship.
- Given the distance from the roundabout to the house, Board member has a hard time understanding this as a hardship.
- Any concerns about the measurements should be taken up with Bylaw Enforcement.

Public input: Nil

**MOTION:** **MOVED by K. Weir and Seconded by K. Zirul: “That the following request to relax the fence height from 1.9 m to 2.18 m from the requirements of Zoning Bylaw 2003, Section 6.2(f)(ii), further to the construction of a fence on Lot 7, Section 36, Victoria District, Plan 7977 (1557 Oak Crest Drive) be DENIED.”**

**The Motion was then Put and CARRIED**

Waring Place  
Fence

**Applicant:** Chris Foyd Designs OBO Kari Ericksen & Thomas Wilson  
**Property:** 3757 Waring Place  
**Variance:** Relaxation of the height of a fence within 7.5 m of the natural boundary from 0.6 m to 2.0 m (along the natural boundary).  
 Relaxation of the height of a fence within 7.5 m of the natural boundary from 0.6 m to 1.4 m (along the easterly property line).  
 Relaxation of the height of a fence within 7.5 m of the natural boundary from 0.6 m to 1.4 m (along the westerly property line).

BOV #00917

The Notice of Meeting was read and the applicant’s letter received. Letter not in support received from two residences

Applicants: Chris Foyd, applicant, and Kari Ericksen and Tom Wilson owners, were present in support of the application and had nothing to add.

Public input: Darlene Ravensdale, Hibbens Close:

- Expressed concern about the request to remove a wood fence and build a chain link fence on the south property line. They dispute that the fence location is on the neighbour’s property line.
- Concern was expressed about recent planting of trees as some have potential to spread and grow very tall. These trees are planted 10-12” from their property line.
- Despite the promise to not block views and discuss landscaping with neighbours, no consultation has occurred. They have concerns about the density and type of plantings that have been planted.

The applicant responded that they had a survey done in March 2021 and are here to talk about the fence which they are proposing to replace. As shown on the survey plans, the fence on the south side is on 3757 Waring Place. He is

not involved in the trees or planting design and encourages neighbours to speak with the owners. Planting was put in for privacy at the lower level as there is an overview from the upper neighbours.

Darlene Ravensdale, Hibbens Close:

- They have tried multiple times to connect with the neighbours with no success.

Maura and Bob Harvey, Hibbens Close:

- Consider their views to be of great value; their deck looks over the applicant's home.
- Understands the privacy concerns but encourages the neighbour to come to their deck to see the view from their perspective.
- The neighbour could mitigate privacy without planting tall trees.
- They do not have enough information about the application to comment on the variance other than to express support for Ms. Ravensdale in attempting to keep the community the way it is.

\*\*\* W. Goldiet joined the meeting at 5:53 pm \*\*\*

The applicant noted that as a neighbour he believes in discussing plantings, however he is here to discuss the fence variances.

In reply to questions from the Board the applicant stated:

- A history of the previous application was given.
- After noticing the many dogs in area, and their property was essentially being used as a dog park, they realized their neighbors have their fences in the same location to demarcate what is private property vs public property.
- The previously approved variance is not where the fence should be installed; it should be in line with the neighbours' fences. They had originally wanted to have a beach grass restoration zone but the dogs in the area make this impossible and they need to have a fence.
- If this is not approved they will still need to build a 1.2 m fence guard.
- Applicant clarified the locations of the requested variances.
- On the south side there is a large hedge they like and want to keep; they propose to put in a chain link fence beside this hedge to fit under the guard mandate for the pool; and this fence will hide in the hedge.
- The fence sizes proposed are Code compliant and cannot be reduced; they have asked for a couple extra inches because of grade changes in area.
- All fences have the same hardship – they are allowed to have pool but the Building Code requires a guard. The Code requirement is the hardship.

Board comment that it is surprising more consultation wasn't done as there is a high degree of concern about plantings from the neighbours. The homeowners are encouraged to work with the neighbours.

Tom Wilson, owner, stated they have not been living in house and have not had a chance to meet their neighbours. They planted the tree for privacy and it was not their intent to affect the neighbours' views. They did not plant the existing hedge, and they are willing to work with their neighbours.

Board discussion:

- It is odd that the original application didn't have the fence sited along the same line as the neighbouring fences. It is difficult to approve this now when they already had this all approved previously.
- Their plans have changed, and since the previously approved variance has expired, this should be treated as a new case.
- During the site visit dogs were noticed along the beach and Board member understands the applicant's concerns as the dogs were off leash.
- It seems that along the side property lines they can build a fence; they just need it to be a little higher for the pool. The Board has no say on the trees.
- They are allowed to build a pool but the hardship is they need to have a fence for the pool according to Code.
- Suggestion made that the pool could have been built elsewhere and this is a result of desire. The neighbours do not have pools.
- Board needs to consider if this is appropriate for the site, and is there a hardship if the variances are not approved.
- The prior application was approved on different terms.
- The aesthetic of the pool location makes sense.
- The covenants and rights-of-way on the lot are restrictive.

**MOTION:**

**MOVED by J. Uliana and Seconded by K. Weir: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 5.16(b), further to the construction of fencing on Lot 3, Section 44, Victoria District, Plan VIP13254 (3757 Waring Place):**

- a) Relaxation of the height of a fence within 7.5 m of the natural boundary from 0.6 m to 2.0 m (along the natural boundary).
- b) Relaxation of the height of a fence within 7.5 m of the natural boundary from 0.6 m to 1.4 m (along the easterly property line).
- c) Relaxation of the height of a fence within 7.5 m of the natural boundary from 0.6 m to 1.4 m (along the westerly property line).

**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  
With K. Zirul OPPOSED**

---

Waterloo Road Accessory buildings	<b>Applicant:</b> William Bratt & Laura Brown <b>Property:</b> 1955 Waterloo Road <b>Variance:</b> Relaxation of front lot line setback from 7.5 m to 1.0 m
BOV #00918	The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from one residence. Letter of objection received from one residence.
Applicants:	William Bratt applicant/owner was present in support of the application and had nothing to add.
Public input:	Ron Klizs, Waterloo Road, <ul style="list-style-type: none"> <li>▪ Noted that they have provided a letter that outlines their concerns.</li> </ul> <p>In reply to questions from the Board, the applicant stated:</p> <ul style="list-style-type: none"> <li>▪ They propose to move all structures back to a one-metre setback from the property line.</li> </ul>

- Part of the issue is access to the structures because of the Garry Oaks.
- They aren't able to place the structures on the west side of house.
- The therapy rooms are located against the municipal road. The access point is from driveway.
- The hedges and foliage offer great privacy.
- The buildings are well concealed from the road and most people are unaware that they are there.
- People do not live in these rooms. They are just a small square portable room with no plumbing.
- They will move the buildings if granted a variance. If not granted, they will have to revisit the site plan and relocate these units.
- It is not favorable to have them in the back yard as this would be a disturbance to the property and the neighbours across the street have indicated they don't want them moved there.
- The existing shed is just a little plastic shed that can be easily moved.
- There are two therapy rooms.
- The applicant described the landscaping done after construction.
- They have learned that the overhang and the small deck counts as square footage and so the structures are technically over 107 square feet and will require building permits.
- There is power to the buildings. Electrical permits were not obtained.
- The main hardship is navigating the many oak trees on property and being able to place the structures within usable space.
- The buildings were placed in a space that was poorly used and no significant vegetation needed removal.
- They will not need to remove vegetation to move the structures to the proposed 1 metre from property line. The 7 metre setback is where the Oak tree is located.
- They did think about placement and sketched out different concepts. It was felt that this was the best spot in terms of hedging location and property layout.

Ron Klitz, Waterloo Road:

- Some hedge was removed to allow gate access; so there is direct access to the therapy area. Walking up the road you have a clear view of the waiting area.
- They buildings are highly visible and do change the ambiance of the neighbourhood.
- There is plenty of space in other parts of the yard. In terms of meeting setbacks there is space.

Cathie Dias, Waterloo Road:

- Extensive landscaping was done by the applicant after the installation of the units. They appreciate that lots of time and effort went into the landscaping but there will have to be some changes made.
- These are portable units; the applicant did have opportunity to conform to the setbacks at the start and then design the garden afterward.

The applicant replied by noting that the units will be more visible if moved and a hedge will have to be removed. They are not concerned as much about client privacy; but note the visibility of the units themselves will be greater if moved. They did speak to both neighbours across the street about this.

Stephanie Lauder, Waterloo Road:

- Supports the proposed placement of the structures.

Board discussion:

- There will be disturbance to the landscaping if moved but this is a problem of the applicant’s making. The landscaping could have been done initially in a location that complied, and privacy could have been achieved.
- There is a large space on the lot where structures can be in compliance.
- Member is convinced there is an alternative solution and is not convinced of the hardship.
- These structures were placed amongst Oak trees, and there are many other locations well away from the trees that these structures could sit. There is another accessory building at the back corner already.
- The same hardship from the Bylaw is a burden shared by everyone. This was not well thought out.
- There is always concern when projects like this proceed without permit.
- Member understands that with regards to aesthetics this was the best placement, but they are having difficulty finding hardship.

**MOTION:**

**MOVED by J. Uliana and Seconded by K. Zirul: “That the following request to relax the front lot line setback from 7.5 m to 1.0 m from the requirements of Zoning Bylaw 2003, Section 5.34(a)(i), further to the construction of three accessory structures on Lot A, Section 35, Victoria District, Plan 3016 (1955 Waterloo Road) be DENIED.”**

**The Motion was then Put and CARRIED**

Cordova Bay Road  
Landing and stairs

**Applicant: Herbert Heckel**  
**Property: 5115 Cordova Bay Road**  
**Variance: Relaxation of height of a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.31 m**  
**Relaxation of side yard setback from 1.5 m to 1.27 m**

BOV #00919

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

Applicants:

Christopher Heckel, applicant’s son, was present in support of the application and had nothing to add.

In reply to questions from the Board, he stated:

- The large crack in wall on the side facing the restaurant happened after this application was made. They brought in Engineers to examine and it is thought that they backfilled behind the wall too soon.
- The reason for construction was because of an emergency; they needed to make sure the garage didn’t slip. The wall didn’t cure enough. They have placed metal clamps on the structure and have done all they can.
- They had engineered drawings as they needed input because this was emergency work. They hired an architect and will obtain permits and address any problems that arise.
- His parents bought the property in 2003 and hope to live there in retirement.
- The amount of vegetation hid the problems. When the rains came in 2020 the damage was spotted and remediation was done.

Board discussion:

- You can see the old wall and that there was an addition made to the height.
- The applicant has achieved a larger flatter area on the upper level, although this does not matter.

- The overall slope is the hardship. They have to rebuild existing non-conforming stairs.
- The letters of support are appreciated. This project does not affect the use and enjoyment of adjacent land and is not an inappropriate development.
- In looking at the slope, it seems the applicant's do not have much option.

The Planning Technician confirmed that an owner can maintain what was already there with non-confirming rights. This landing has changed from what the original survey shows and is considered a new build. This is why the height variance is needed.

Public input: Nil

**MOTION:** **MOVED by K. Weir and Seconded by W. Goldiet: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 5.16(b) and 5.34(a)(ii), further to the construction of a landing and stairs on Lot 3, Section 31, Lake District, Plan 722 (5115 Cordova Bay Road):**

- a) Relaxation of height of a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 3.31 m
- b) Relaxation of side yard setback from 1.5 m to 1.27 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**

---

<p>Oldfield Road Building conversion</p>	<p><b>Applicant:</b> Stefano Mosi  <b>Property:</b> 5797 Oldfield Road  <b>Variance:</b> Relaxation of maximum total floor area from 12.0 m<sup>2</sup> to 168.80 m<sup>2</sup></p>
--	---

BOV #00921

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

Applicants: Stefano & Melissa Mosi, applicant/owner were present in support of the application and had nothing to add. In reply to questions from the Board, they stated:

- Adjacent to the barn is a ¼ acre area which can be used for parking. This area can easily fit 20 cars.
- They do plan to widen the driveway in order to accommodate two lanes of cars.
- They have not considered rezoning. They want to use the existing barn space because they need to display their flowers and produce in fridges and plan to line the wall with display cases.
- The Bylaw allowance for a smaller stand does not accommodate what they want to be able to achieve.
- They have taken on a horse property and are trying to turn it into a farm property.
- A bank loan they received mandates that they need to farm the land.
- They have researched this, and selling their goods wholesale is not efficient to their service debt. They want to be able to sell directly to the public.
- The land they are on is agricultural land and is meant for this purpose. They are trying to support the community.

In reply to a questions from the Board, the Planning Technician stated:

- Discussions would need to be held with the local area planner regarding rezoning the property.
- The intent of the Bylaw is to allow farm properties to grow produce crops and be able to sell. It allows for a building size of 12 square metres, similar to road side stands.

Board discussion:

- Alternative zoning for this size of building exists. Suggestion made that it would be advantageous for the applicant to apply for rezoning. This is not a minor request and seems against the intent of the Bylaw.
- Board member appreciates the idea of having more farms producing and internalizing their spaces for direct sales on their properties rather than a roadside stand to pull into.
- Suggestion made that this should maybe be considered by a different body.
- The Bylaw permits produce sales, and the major component of land use is within the intent of the Bylaw. This is a unique situation of someone converting a building to carry on the sale of produce with the necessary equipment.
- The building exists already. This is a reasonable approach in terms of how to use the site. If they go through rezoning, that is a time consuming and expensive process and the end result would be the same.
- This application makes sense and there is flexibility for interpretation of the Bylaw.

Public input: Nil

**MOTION:** **MOVED** by J. Uliana and **Seconded** by K. Weir: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 101.6(b), further to the conversion of a building for use other than agriculture to a building for accessory product sales at Lot 1, Section 58, Lake District, Plan 18633 (5797 Oldfield Road):

- a) relaxation of maximum total floor area from 12.0 m<sup>2</sup> to 168.80 m<sup>2</sup>

**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  
With M. Horner and K. Zirul OPPOSED**

---

Winton Road Addition	<b>Applicant:</b> Mac Renovations OBO Sean Reynolds & Karen Viala
	<b>Property:</b> 3930 Winton Road
BOV #00922	<b>Variance:</b> Relaxation of allowable floor space in non-basement areas from 80% to 87.35%

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

Applicants: Derek Breen, builder and applicant, was present in support of the application. He noted the addition is for a family with children, and one family member has a disability. The basement is not deeply dug and the zoning is not appropriate. They are not proposing to expand the footprint of the house, they are just wanting to build above the garage.



In reply to a questions, the applicant stated:

- They are just building an addition over the existing garage and the height will not be any higher than the existing roof.
- In terms of square footage, they will be at 270 metres which is well under the RS-6 limit of 310 square metres.

Board discussion:

- This issue is often seen by the Board and it is common to see this with older houses.
- The proposed does not result in inappropriate development of the site; there is no negative impact to the environment, and should not negatively affect the neighbours' use and enjoyment of their land.

Public input: Nil

**MOTION:** **MOVED by K Zirul and Seconded by K. Weir : “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house on Amended Lot 9 (DD 339696I), Section 32, Victoria District, Plan 5947 (3930 Winton Road):**

- a) **Relaxation of allowable floor space in non-basement areas from 80% to 87.35%**

**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**

Lochside Drive  
New house  
  
BOV #00923

**Applicant:** Flashhouse Inc. OBO Timothy & Kim Kearns  
**Property:** 4992 Lochside Drive  
**Variance:** Relaxation of single face height (flat roof) from 6.5 m to 8.97 m

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from three residences. Letter of objection received from one residence.

Applicants: Ian Roberts, applicant, and Kim and Timothy Kearns, owners, were present in support of the application. They noted that this is a simple request and the proposed building meets all other Bylaw calculations including overall height. Their hardship is the sloping land as well as a desire to keep the Arbutus trees. The change in elevation is challenging and the house was designed with slender columns to fit in with the forested setting.

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

- Regarding the cantilevered piece with the parking underneath, they did consider stepping the home in but would cut the usable area of the site and not work with the design.
- The property drops off sharply. There is a flat spot on the north side of property where they hope to have space for their children to play.
- They are going to maintain the same path of the existing driveway and will potentially have to redirect water in a trench along the side of the driveway.
- The carport will be removed and will be re-naturalized.
- The work is being done under structural design by Professional Engineers.

- The existing foundation will be replaced as it is very shallow and poorly constructed.
- The owners intend to deconstruct the house not demolish it, and will remove the foundation and dig deeper. The crawlspace will be 1.5 metres below grade.
- They have done their best to mitigate having a large face.

In reply to a question, the Planning Technician stated that the intent of the Bylaw is for the single face to step up the side of a slope rather than have a three-storey face on the low side. This avoids having a large wall.

Board discussion:

- This is a lovely design and is well hidden from neighbouring properties.
- The steep slope is definitely a challenge.
- This proposal does not defeat the intent of the Bylaw.
- There is a hardship with the land slope.

Public input: Nil

**MOTION:** **MOVED by K Zirul and Seconded by J. Uliana: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(b)(ii), further to the construction of a new house on Lot A, Section 29, Lake District, Plan 18112 (4992 Lochside Drive):**

**a) Relaxation of single face height (flat roof) from 6.5 m to 8.97 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**

Parker Avenue Addition  
BOV #00925

**Applicant: Michael Quinlan**  
**Property: 5309 Parker Avenue**  
**Variance: Relaxation of interior side lot line setback from 1.5 m to 1.04 m**

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from four residences. Letter of objection received from one residence.

Applicants: Lindsay Baker, designer, and Michael Quinlan, applicant/owner were present in support of the application. The designer noted:

- He joined in on this project late and noticed the deck was laying on the property line, so they removed part of the deck to create more of a setback.
- The neighbour who wrote in as not in support had been consulted previously and had indicated no opposition at that time.
- This is a fairly minor request. They have a hardship with the steep slope of the property and the trees, and it being a narrow lot on a cliff.

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

- The sonotube that is closest to neighbours property is now wasted material and will not be used.
- Wood beams will be shortened to comply with the retaining wall.
- The hardship is the physical nature of the lot due to the steep slope and protected trees.

- They are trying to stay to the right and back of the trees to create a sitting area that is facing towards the ocean. All properties have similar narrow lots and all are trying to achieve the same thing.
- The house was recently built and is a rancher which reduces the impact on neighbours. In reply to a neighbour's comment about the size of the house: this is not a 3-level home. It has a larger footprint in order to not affect the neighbours' views and this is also a house the owner can age in. These are the reasons that there is reduced area to allow for a deck.
- In terms of the deck the hardship is that it has to be a standalone structure otherwise it would be connected to the patio and would cause a greater variance. They would also require the combined side yard setback varied.
- This is a standalone small structure that doesn't impact anyone.
- The deck will have a railing.
- They do have a patio with visual access to the Bay. The primary reason for wanting the deck is they have noticed that due to the steep slope, vegetation cannot grow because when it rains there is significant erosion. They figured a terraced road base with a deck on top of it would help slow the rain washing away the soil.
- They approached the adjoining neighbours who indicated support. The one neighbour who is opposed was a surprise as they had not said this to them earlier. They respect their neighbour's privacy; they grew a privacy hedge and had no idea that this person took issue with the project.
- They are only asking for 30 cm. It seems the neighbour objects to deck itself and not the variance.

Board discussion:

- It is unfortunate that the applicant's attempt to fix the erosion has failed. The hardship is a little difficult to understand.
- Member questioned the need for the deck at all but can see how a structure there may benefit in slowing down erosion.
- There is functional and utility in the deck and it is not displeasing to the eye.
- This is a minor variance and they have asked for the least amount to alleviate their hardship.
- Reading the arborist's report you can see photos of the road base and clay pushed up against the trees. It seems that the construction to date has already adversely affected the natural environment.

Public input: Nil

**MOTION:** **MOVED** by J. Uliana and **Seconded** by K. Weir: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(iii), further to the construction of an addition to the house on Lot 7, Section 33/4, Lake District, Plan 4733 (5309 Parker Avenue):

- a) relaxation of interior side lot line setback from 1.5 m to 1.04 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  
With Kevin Zirul OPPOSED**

---

Wicklow Street  
Addition  
BOV #00926

**Applicant: Derrick and Caitlin Siska**  
**Property: 3245 Wicklow Street**  
**Variance: Relaxation of interior side lot line setback from 1.5 m to 1.10 m**

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from one residence.

Applicants: Derrick and Caitlin Siska applicants/owners, and Lisa Dunsmuir, designer, were present in support of the application. The designer stated the letter to the Board explains the issue. The house is existing non-conforming and they are trying to create less jogs in the footprint and create a modest addition to the house to allow for more living space for the family.

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

- The existing kitchen area needs to be completely removed as it is in poor condition. It was felt that with the way everything lines up, the current design has a cleaner layout.
- The roof was replaced three years ago so is fairly new and is existing non-conforming. This is a 1920s house and they are trying to maintain the existing structure and keep the integrity of the house.
- There is no plan to remove a section of the roof to reduce the encroachment. They could reduce the gable, but the cost of removing a new roof system doesn't fit in the owner's budget. The ridgeline would have to be torn right back to be able to allow for this and would be very expensive.
- They are trying to do a modest addition that provides more floor area.

Board discussion:

- This is a straightforward extension of the footprint and having a straight extension makes sense. It would be a forced expense to make them comply.
- This addition looks reasonable.
- There are challenges with the shape of the lot and the siting of house.
- This is a very deep site and the addition is modest and not significant.
- This is an efficient addition considering the siting of the home.

Public input: Nil

**MOTION: MOVED by K. Zirul and Seconded by K. Weir: "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 E, Section 62, Victoria District, Plan 2426 (3245 Wicklow Street):**

- a) relaxation of interior side lot line setback from 1.5 m to 1.10 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**

---

Jasmine Avenue Addition  
BOV #00927

**Applicant:** Randall Recinos OBO Colin Duffy  
**Property:** 880 Jasmine Avenue  
**Variance:** Relaxation of allowable floor space in non-basement area from 80% to 82.75%

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from four residences.

Applicants:

Randall Recinos, applicant/designer, was present in support of the application and had nothing to add. In reply to questions from the Board, he stated:

- They are proposing to use the open space above the living room to construct a family room to make it more liveable for the family.
- They are not building another level on the outside, they just want to fill up the void.
- They think the original home was built in about 1994 but is unsure.
- In terms of hardship, they are very close to the maximum area allowable and are only asking for 2%. The Bylaw doesn't allow the owner the space they require for their family.
- All information is clearly indicated in the plans.

The Planning Technician noted the house was originally built in 1973, was demolished, and a new house was completed in 2013.

Board discussion:

- This is all interior work which will provide better utility and allow the privacy the owners seek. The only exterior change appears to be on the west wall where there would be a window placed in the upper floor. When the home was rebuilt, it was built in conformance and the incremental space they are asking for seems immaterial.
- Board member noted they will have to fill in an area that was once floor to ceiling glazing, where they are now proposing to attach a wall.
- The Bylaw was written to stop monster homes. This home was built and conformed with the bylaw at the time. Allowing this would defeat the bylaw intent from when the home was built.
- This provision of the Bylaw comes up regularly. This appears to have no impact to adjacent properties or the environment.

The Planning Technician advised that it was an intentional choice of Council to have basement and non-basement areas, and have a percentage of a home built below grade. Saanich has big lots and allows for big houses; this section of the Bylaw is a controlling feature for massing.

Board discussion continued:

- They are asking for additional above-grade square footage. The home was built under this Bylaw and this application is just a way to get around the bylaw by filling in the space.
- Many of these applications are received; if the same thing is happening over and over, maybe the Bylaw should be revisited.
- If the Bylaw intent is to reduce massing, this variance doesn't affect the building's massing, so does it defeat the Bylaw's intent?

Public input: Nil

**MOTION:**            **MOVED** by J. Uliana and **Seconded** by K. Weir: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house on Lot 16, Section 78, Victoria District, Plan 1171 (880 Jasmine Avenue):

- b) relaxation of allowable floor space in non-basement area from 80% to 82.75%

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  
With K. Zirul OPPOSED**

---

Adjournment            On a motion from K. Weir, the meeting was adjourned at 8:56 pm.

\_\_\_\_\_  
Melissa Horner, Chair

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

\_\_\_\_\_  
Recording Secretary