

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
SAANICH MUNICIPAL HALL
JUNE 9, 2021 AT 6:00 P.M.**

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

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

Minutes: **Moved by J. Uliana and Seconded by K. Weir: "That the minutes of the Board of Variance meeting held May 12, 2021 be adopted as circulated. CARRIED**

Shore Way Accessory building **Applicant: Chris Foyd Design OBO Gerald and Lindsey Janicki**
Property: 4491 Shore Way
Variance: Relaxation of front lot line setback from 15.0 m to 13.50 m

BOV #00924 The Notice of Meeting was read and the applicant's letter received.

Applicants: Chris Foyd, applicant and designer and Gerry and Lindsey Janicki, owners were present in support of the application. The designer noted that this is a multi-generational family home. This is a RS-16 zoned and exceeds the 2000 square foot minimum which allows for a 7.5 m setback. The bylaw changes to a 15 metre setback with the larger lot size.

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

- The area between the exercise building and the garage shows proposed landscaping and an existing tree.
- This is a standard sized two-car garage.
- This is a multi-generational family home with a number of electric vehicles, there will be a number of EV chargers.
- The structure cannot be moved closer to main house because of traffic movements. They used vehicle movement templates to find the minimum variance required, and noted that the further east they move the building, the more difficult it is to safely back out of the garage.
- They did look at several options for placement of this structure. They cannot rotate the garage as it will look chaotic. The setback and the curve of the road is driving the need for variance. Cutting a sliver out of the rectangular garage to make it conform will not achieve a reasonable looking garage.
- If the sewage right of way was not on the property, they could have moved everything towards the water and had no setback issue.
- If they move the building closer to the main house it would cut off the side yard and access to the in-law suite would be compromised.

In reply to a question why this is called an accessory building instead of a garage, the Planning Technician stated that the building is not attached to the main dwelling so is considered an accessory building.

Board discussion:

- This request is minor in nature and trees will mostly conceal the building.
- The lot itself and the right-of-way is a challenge to design around.
- The curved road, the right-of-way, and the fact they are just over the lot size limit which pushes them to a 15 metre setback instead of a 7.5 setback, all seem like hardships.

- The proposed structure does affect a tree, but not a bylaw protected tree.
- The proposed does not affect the use and enjoyment of adjacent land.
- The design works aesthetically and this is a reasonable request.
- Part of the hardship is to ensure safe traffic movement.

Public input: Nil

MOTION: **MOVED by J. Uliana and Seconded by K. Zirul: “That the following request to relax the front lot line setback from 15.0 metres to 13.50 metres from the requirements of Zoning Bylaw 2003, Section 5.34(a), further to the construction of an accessory building on Lot 20, Section 85, Victoria District, Plan 9690 (4491 Shore Way) be APPROVED.**

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

Hartland Avenue
Accessory
building

Applicant: Glenn Mahoney
Property: 30 Hartland Avenue
Variance: Relaxation of height from 3.75 m to 4.63 m (A-1 Zone)
Relaxation of height from 3.75 m to 4.63 m (A-4 Zone)

BOV #00929

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

Applicants:

Glenn Mahoney, applicant/owner, was present in support of the application. In reply to a question, he confirmed that the only change from the last application is for the height of the building from 3.75 metres to 4.63 metres. This change in average grade occurred because they moved the proposed building further back from the streamside area.

Board discussion:

- The location was well staked and it is obvious that work had been done in terms of preparing the site.
- The fact that they have moved the structure further from the stream shows they are considering the environment.
- The slope of the land is a hardship which changes the building height and the average grade.

Public input: Nil

MOTION: **MOVED by K. Zirul and Seconded by K. Weir: “That the following request to relax the height from 3.75 metres to 4.63 metres (A-1 Zone) and relax the height from 3.75 metres to 4.63 metres (A-4 Zone) from the requirements of Zoning Bylaw 2003, Sections 101.7(b) and 125.8(b), further to the construction of an accessory building on Lot 1, Section 128/129, Lake District, Plan 29006 (30 Hartland Avenue) be APPROVED.**

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

Polyanthus
Crescent
Addition

Applicant: Sunita Dugg
Property: 659 Polyanthus Crescent
Variance: Relaxation of rear yard setback from 7.5 m to 6.41 m
Relaxation of combined front and rear yard setbacks from 15.0 m to 14.77 m

BOV #00920

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from 11 residences.

Applicants:

Sunita Dugg, owner, and Vadim Melamed, Modern Home Design, were present in support of the application. The designer stated:

- Part of the original house and the deck already sit within the setback. They are not asking to increase the existing encroachment.
- They want to enclose the space under the deck and close in a portion of the deck for an addition to the master bedroom.
- If this is approved, they will not automatically obtain their permits as they still need to hire a structural engineer and ensure all work is up to Code.

In reply to questions, the designer stated:

- The hardship is that the original house was built in the 1970's prior to the current Bylaw. Back then, the house was constructed closer to the rear lot line, and now they want to add an addition. Even though they are not building any closer to the lot line, they need to apply for a variance.
- The application is different in that the encroachment is the same but they have reduced the square footage of the addition.
- The previous application proposed closing the area under the deck and creating a suite, and building above on the deck. This new application has reduced in the amount they will build above the deck, and there is now no secondary suite planned. The owners just want more space for the family.
- There is no existing secondary suite in the home.
- The new construction will not be any closer to the neighbour's property.
- The deck is existing. They are proposing to add a bathroom facility to the master bedroom upstairs.
- There is a significant distance between this property and the rear yard.

In reply to questions, the Planning Technician confirmed:

- If permits were obtained for the original construction then this is a legally non-conforming structure.
- Any new construction requires a variance if it does not conform to the current Bylaw.
- This proposal does slightly increase the massing of the building.
- The proposed structure just meets the floor space maximum.
- The applicant can have a legal suite, rooms for family members, or a second kitchen. They would have to apply to make it legal.
- He assumes that the house is legal non-conforming however he did not see the original house plans.
- It is the new construction that they need the variance for. The deck is lawfully there, but the new construction portion is subject to variance as new construction triggers both variances.

Board discussion:

- If you look at the plans, it is evident that this will be a secondary suite.
- They are not just enclosing the space under the deck, they are adding to that space. The new lower access to the home is will create an impact on neighbouring properties.

- The original application was made because the work was done without permit.
- Board needs to consider if there is something unique to this property compared to others in the same zone.
- This does not affect the environment or adjacent land but is there a hardship and is this least amount they can ask.
- They are extending the existing legal deck. In terms of impact, correspondence received from neighbours does not object.
- There is a door from the media room but Board member sees no adverse impact to neighbours.
- It is not for the Board to decide or judge the use. If the applicants change their mind later on enforcement will deal with it.
- They did start without obtaining a building permit.
- This is a minor ask and appears to cause no impact.
- Board denied the original application because of lack of hardship.
- The house was built in the 1970s and the current Bylaw created the non-conformity. If people want to renovate they have a hardship because of the newer Bylaw.
- It is not known if the deck was legally constructed with a permit.

Public input: Nil

MOTION: **MOVED by J. Uliana and Seconded by K. Weir: “That the following request to relax the rear yard setback from 7.5 metres to 6.41 metres and relax the combined front and rear yard setbacks from 15.0 metres to 14.77 metres from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i), further to the construction of an addition to the house on Lot 7, Section 82, Victoria District, Plan 25243 (659 Polyanthus Crescent) be APPROVED.**

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 M. Horner and K. Zirul OPPOSED**

Adjournment On a motion from W. Goldiet, the meeting was adjourned at 7:31 pm.

Melissa Horner, Chair

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

Recording Secretary