

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
SAANICH MUNICIPAL HALL
SEPTEMBER 14, 2022 AT 6:00 P.M.**

Members: M. Horner (Chair), J. Uliana, A. Gill and M. Cole

Regrets: K. Zirul

Staff: K. Kaiser, Planning Technician; J. McLaren, Planning Technician;
M. MacDonald, Senior Committee Clerk

Minutes: Moved by A. Gill and Seconded by J. Uliana: "That the minutes of the Board of Variance meeting held August 10, 2022 be adopted as circulated.

CARRIED

Fieldmont Court
Addition

BOV #00985

Applicant: AJB Home Design Ltd.
Property: 4425 Fieldmont Court
Variance: Relaxation of the minimum combined sideyard setback from 4.5 m (14.8 ft) to 4.46 m (14.6 ft). Relaxation of the maximum non-basement floor area from 80% (225.6 m²) to 90.06[^] (253.97 m²).

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

Applicants: A. Bisson (AJB Home Design Ltd.), applicant, was present virtually in support of the application. The variance for maximum non-basement floor area is to construct a new art studio. He noted that the hardship is due to the pandemic and the current housing crisis. The owners work from home and may lose their home office space in order to provide bedrooms for family members.

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

- All the existing building is above ground. The ground floor is not deep enough to be considered basement area.
- The proposal would see the existing garden shed converted into a new art studio, as well as the construction of a new storage area.
- The owner has indicated a preference to preserve the existing landscaping/vegetation if possible.
- The variance requested for minimum combined yard setback was due to a mathematical error identified after the plans were submitted.

The Planning Technician confirmed that the Zoning Bylaw defines the proposed garden shed and art studio as non-basement areas; the deck is not included in this calculation. It was noted that the information in the project data table is incorrect, the correct calculations are included on the memo of the Planning Technician dated August 26, 2022.

Board discussion:

- The applicant has not shown hardship aside from the size of the house being insufficient for the family.
- The combined sideyard setback variance is minor.

- The proposed storage space could be removed to reduce the variance requested for non-basement floor area.
- Alternative options that would reduce or eliminate the variance may be more favorable. The request for the relaxation of the non-basement floor area is not a minor variance.

Public input: Nil

MOTION: MOVED by A. Gill and Seconded by M. Cole: “That the following request to relax the requirements of Zoning Bylaw 2003, Section 210.4 (a) & (c), for the construction of an addition to the house on Lot 3, Section 90, Victoria District, Plan 27889 (4425 Fieldmont Court) be DENIED:

- **Relaxation of the minimum combined sideyard setback from 4.5 m (14.8 ft) to 4.46 m (14.6 ft).**
- **Relaxation of the maximum non-basement floor area from 80% (225.6 m2) to 90.06^ (253.97 m2).”**

Board discussion:

- The allowable size of the house being insufficient is not a hardship.
- The variance to the non-basement floor area is not a minor variance.

The Motion was then Put and CARRIED

Street name	Applicant: Pamela Ubeda
Variance Desc.	Property: 1765 Glastonbury Road
BOV #00986	Variance: Relaxation of the minimum front lot line setback from 7.5m (24.6 ft) to 4.8m (15.7 ft).

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

Applicants: The applicant P. Ubeda (Coast and Beam Construction) was present, as well as G. & D Littler (Owners); all spoke in favor of the relaxation of the minimum front lot line setback request.

Public input: W. Webb stated:

- Reduced setbacks may impact privacy of adjacent neighbours.
- The architect addressed all concerns raised with a well-designed home suitable for the location. Privacy will not be a concern given the well thought out placement of the garage and windows.
- Supportive of the variance requested.

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

- The current house will be demolished to accommodate a new house.
- The lot is a panhandle lot with a long narrow driveway, currently access is drive in and back out, which creates a hardship.
- A rocky outcrop at the back of the lot would need to be blasted if the house was moved further from the front lot line.
- The proposed location allows for preservation of the Garry Oak meadow located in the rear of the lot; as well as avoiding blasting.
- Neighbours expressed concern and would prefer no blasting.

- Two parking spaces are required by bylaw, the slope of the lot makes it difficult to fit two parking spaces and a house within allowable areas.
- The existing house is non-conforming; based on the survey it is already within the front lot line setback and 9” taller than the proposed building. These allowances would be terminated with a new build.
- A geotechnical engineer and structural engineer will be involved to improve the existing slope and ensure stability.

Board discussion:

- The applicant has presented a thoughtful design by reducing the variances from the existing structure and consideration of the surrounding environment.
- It was determined that backing out of the long panhandle driveway is difficult under good conditions; this creates a hardship on this lot.
- The location of the garage ensures privacy for the adjacent lots.
- This application is a thoughtful approach to a difficult site.

MOTION:

MOVED by A. Gill and Seconded by J. Uliana: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4 (a) (i), further to the construction of an addition to the house on Lot 2, Section 38, Victoria District, Plan 17604 (1765 Glastonbury Road):

- a) Relaxation of the minimum front lot line setback from 7.5m (24.6 ft) to 4.8m (15.7 ft).

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

Adjournment

On a motion from M. Cole, the meeting adjourned at 6:58 pm.

Melissa Horner, Chair

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

Recording Secretary