

**MINUTES  
BOARD OF VARIANCE  
HELD ELECTRONICALLY VIA MICROSOFT TEAMS  
SAANICH MUNICIPAL HALL  
November 9, 2022 AT 6:00 P.M.**

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Members: K. Zirul (Acting Chair), J. Uliana, A. Gill and M. Cole  
Regrets: M. Horner  
Staff: J. McLaren, Planning Technician; M. MacDonald, Senior Committee Clerk

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Kenmore Road Addition  
BOV #00987  
**Applicant: Darren Sopher**  
**Property: 1650 Kenmore Road**  
**Variance: Relaxation of the maximum non-basement area from 80% (248m<sup>2</sup>) to 97.9% (303.63m<sup>2</sup>)**

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

Applicants: The applicant was present virtually in support of the application. The variance is requested due to the topography of the lot. The hardship is due to the existing house not being qualified as basement.

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

- The existing lower level of the house is not deep enough to be considered a basement, despite being below ground.
- Excavation would be required to build allowable basement area.
- This is a flat lot, the lower level is below grade, but not deep enough to be considered a true basement. There are 6 steps from the front door to the lower level.

Board discussion:

- Basement window only about 16" above grade. This space was intended to be a basement despite not meeting today's standards.
- The bylaw was intended to reduce monster homes, the garage was dug down to reduce the massing when built.
- The basement slab is basically at grade, so the larger non-basement percent is due to the basement not being the required 1.5 metres.
- The cost to excavate this lot would be a hardship.
- The owner has taken a reasonable approach to minimize variances.

Public input: Nil

**MOTION: MOVED by J. Uliana and Seconded by A. Gill: "That the following request to relax the requirements of Zoning Bylaw 2003, Section 210.4 (c), for the an addition to the house on Lot 1, Section 67, Victoria District, Plan 30929 (1650 Kenmore Road) be APPROVED:**

- **Relaxation of the maximum non-basement area from 80% (248m<sup>2</sup>) to 97.9% (303.63m<sup>2</sup>).**

**CARRIED**

Glendenning Road Height  
**Applicant:** Ira Willey  
**Property:** 4201 Glendenning Road  
**Variance:** Relaxation of the maximum height from 3.75 m (12.3 ft) to 4.10 m (13.45 ft)

BOV #00990

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

**Applicants:** Ira Willey, applicant, was present and spoke in favor of the relaxation of the request.

**Public input:** Harvey Stevenson, Vantreight Drive

- The design and location minimize impacts to neighbours.

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

- The topography of the sloping lot in the floodplain causes complications building.
- In order to lower the height they would need to excavate beneath the building and build underground. This would risk flooding in the future.
- The flat roof is the issue, as a higher sloped roof would be conforming.
- This building does not block views of neighbors.

Board discussion:

- This situation is unique as the lower height requires a variance, where a taller building with a different pitch may not.
- The topography and geology of the lot is a hardship.
- Digging down to lower the height would cause a flood risk.
- Six letters of support were received from neighbours, one against.

**MOTION:** **MOVED by A. Gill and Seconded by M. Cole: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 5.34 (b), further to the construction of an accessory building on Lot 2, Section 54, Victoria District, Plan 6415 (4201 Glendenning Road):**

- a) Relaxation of the maximum height from 3.75 m (12.3 ft) to 4.10 m (13.45 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."**

**CARRIED**

Vincent Avenue Height  
**Applicant:** One in Ten Thousand Construction  
**Property:** 590 Vincent Avenue  
**Variance:** Relaxation of the maximum height from 3.75 m (12.3 ft) to 4.00 m (13.1 ft)

BOV #00991

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

- Applicants: T. Mason of One in Ten Thousand Construction (applicant) was present and provided rational on the reason for the relaxation request. The following was noted:
- The excavation required for renovations to the home were deeper than anticipated, the foundation is down around 6 feet.
  - The hardship is in part due to the cost of the ongoing renovations, the budget for the project was impacted by rising cost of labour and supplies, as well as multiple issues with construction. Mortgage payments are increasing with rising interest and currently the suite is currently being used for storage and therefore cannot be rented.
  - The site was surveyed; the garage matches the height of the house, approvals were given and the garage is within 1/8" of the plans.
  - The original design shows 7'-10" but survey shows 9'. If you visit the site you can measure the 7'-10" to the top of the garage.
  - All parties agree about the height other than the surveyor.

- Public input: Noel O'Brien, Vincent Avenue
- Property owner, expressed concerns about the impacts of the issue.

- Discussions: In response to questions from the Board, the applicant stated:
- The garage was built using the original survey from when renovations within the house were completed. The garage would be the appropriate size based on that survey.
  - The surveyor is adamant that their survey is correct.
  - There is a significant slope from the front to the back of the lot. The garage was built to work with the existing grade.
  - The garage is lower than the house of the neighbours next door.
  - Obtaining another survey would be another cost and time delay.
  - The owners need the garage for storage, offsite costs are high.

Board discussion:

- The garage does not look to be too high for the lot.
- No objections from neighbours.
- The slope of the lot may have led to the difference in measuring average grade, this is unique to this lot.
- An honest mistake was made; the cost to tear down the existing structure and rebuild within the bylaw requirements is prohibitive.

**MOTION: MOVED by A. Gill and Seconded by J. Uliana: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 5.34 (b), further to the construction of an accessory building on Lot C of 3&4, Block 5, Victoria District, Plan 1168 (590 Vincent Avenue):**

- a) Relaxation of the maximum height from 3.75 m (12.3 ft) to 4.00 m (13.1 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."**

**CARRIED**

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Belgrave Road Addition  
BOV #00992

**Applicant: Jeffrey Stephen**  
**Property: 3766 Belgrave Road**  
**Variance: Relaxation of the minimum rear yard setback from 12.0 m (39.4 ft) to 4.51 m (14.8 ft)**

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

Applicants: Jeffrey Stephen (applicant) was present and provided rational on the reason for the relaxation request. The following was noted:

- Approximately 1/3 of the existing house is non-compliant. The deck was built in line with the house.
- The previous deck needed to be replaced. Steps were taken to preserve the mature trees on site.
- The deck does not impede views of neighbours, they are supportive.
- The previous deck was smaller and fanned out towards the trees. The improved design now has a sitting area and wider walkway.

Public input: Nil

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

- The property has had numerous improvements and permits over the years. While the deck was not part of the original plan, it was assumed to be acceptable given the location of the house.
- An application was made in 2018 for a side lot setback variance, during this time it was not noted that the rear lot setback was an issue.
- Removing the existing deck would be costly.
- There is not space to have a usable sitting area unless it is within the setback as it sits currently.
- The shape and slope of the lot, as well as the siting of the house mean much of the yard is not usable. This addition created a small amount of usable space without impacting the environment or neighbours.

Board discussion:

- The location of the deck makes sense.
- Removal would create a hardship as there is not a reasonable way to use the yard within the bylaw restrictions.

**MOTION: MOVED by A. Gill and Seconded by J. Uliana: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3 (a)(ii) further to the construction of an accessory building on Lot 9, Block 2, Section 16, Victoria District, Plan 1425 (3766 Belgrave Road):**

**a) Relaxation of the minimum rear yard setback from 12.0 m (39.4 ft) to 4.51 m (14.8 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."**

**CARRIED**

Sunnymead Way  
New single-family dwelling

**Applicant: Christopher Johann Vrabel**  
**Property: 4664 Sunnymead Way**  
**Variance: Relaxation of the of the maximum allowable non-basement floor area from 75% (348.75 m<sup>2</sup>) to 77.1% (358.5 m<sup>2</sup>)**

BOV #00993      The Notice of Meeting was read and the applicant's letter received.

Applicants:      Christopher Vrabel (applicant) was present and provided rational on the reason for the relaxation request. The following was noted:

- The request is due to an oversight during the initial planning stages.
- Small variance requested, changing the type of door from the garage to laundry area means more livable area, despite it being a mud room.

Public input:      Nil

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

- Nothing is changing aside from the type of door being installed.
- As this is a minor interior change, asking permission for this variance is addressing the issue the right way. There are many examples of this happening without approvals. The owner would prefer to have it done legitimately and ensure it is not an issue down the road.

Board discussion:

- Addressing the issue this way is appreciated, there is a loophole that some builders take advantage of.
- This is a minor variance..
- Given the current building stage it would be a hardship to redesign the building to comply with the bylaw requirements.

**MOTION:            MOVED by A. Gill and Seconded by M. Cole: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4 (c) further to the construction of an accessory building on Lot 5, Section 121, Lake District, Plan 45071 (4664 Sunnymead Way):**

- a) Relaxation of the of the maximum allowable non-basement floor area from 75% (348.75 m<sup>2</sup>) to 77.1% (358.5 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 variances so permitted by this Order will expire."**

**CARRIED**

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Adjournment      On a motion from M. Cole, the meeting adjourned at 7:28 pm.

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Kevin Zirul, Acting Chair

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

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Recording Secretary