

**MINUTES  
BOARD OF VARIANCE  
HELD ELECTRONICALLY VIA MS TEAMS  
MAY 10, 2023 AT 6 P.M.**

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

Staff: S. de Medeiros, Senior Planning Technician; A. Whyte, Planning Technician;  
M. MacDonald, Senior Committee Clerk

**Minutes: Moved by J. Uliana and Seconded by A. Gill: "That the minutes of the Board of Variance meeting held April 12, 2023 be adopted as amended."**

**CARRIED**

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Mt. Baker View Road Non-basement  
BOV #01011

**Applicant: Knot In a Box Design Inc. (Todd Martin)**  
**Property: 2924 Mt. Baker View Road**  
**Variance: Relaxation of the maximum non-basement floor area from 75% to 93.27%**

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

Applicants: Todd Martin (applicant) was present in support of the application. A visual example of what a compliant accessory building could look like on the property was given. The following was noted during his presentation:

- The current zone of RS-16 is typically used for much larger lots, it also restricts the allowable square footage.
- The lot is steep terrain that slopes from the road down to the water.
- An accessory building could be located near the front of the lot, the massing and visual impact would be much more noticeable if so.
- The proposed addition will fit the streetscape and be at approximately the same grade as the existing rocky outcrop, there is potential to have a couple stairs to access the deck from the driveway.
- The narrow driveway and extremely limited street parking necessitate having an appropriate location to park and store vehicles.
- The house is already non-conforming as the non-basement is above what is allowed. The deck would be allowed in this area without the garage space under it, the additional floor space requires the variance.
- Digging/lowering the garage below grade minimizes the visual impact.
- Steep terrain/slope means that none of the floorspace below grade is low enough to be considered non-basement.

Public input: T. Cohen, Mt. Baker View Road

- Concerned about potential privacy impacts, the proposed addition is close to the property line and an existing hedge.
- The house is already a large structure, this addition adds to the size.
- Potential blasting could impact the neighbours and trees.

E. Dahli, Mt. Baker View Road

- Supportive of this application which will help reduce the collective hardship of the neighbourhood parking issues.

- Discussions: In response to questions from the Board, the applicant stated:
- The accessory building which was used for demonstration purposes in the presentation would be compliant with all bylaws.
  - Currently there are several garden beds occupying the area where the addition would go, it is not possible to know if blasting would be necessary until they start construction, however it is possible.
  - Building the garage recessed into the slope will allow for the deck to be at nearly the same grade as the existing terrain, this minimizes the impact to neighbours opposed to a potential above grade structure.
  - Zoning for a lot this size (if it was created/zoned by today's standards) would be an RS-14 zone, which would allow for more flexibility without requiring the variance, this structure would be allowable in that zone.
  - Basement area was not a consideration of the zoning bylaw when the home was built. The current zone creates a hardship by minimizing the allowable non-basement while this was not a concern previously.
  - The terrain of the lot is a steep slope with a single car driveway with only enough space to park one car at the bottom. The large house and multiple residents necessitate parking for more vehicles.

The following was noted by planning staff:

- It is not possible to verify that the accessory building which was shown in the presentation would be compliant without a plan check.
- It was confirmed that the lot would be zoned RS-14 if created today.

During Board discussion the following was noted:

- The slope of the lot and siting of the house on the lot is challenging.
- Considerations for neighbours and minimal visual impacts have been made, this will fit in the neighbourhood without being an eyesore.
- It would be ideal if staff could have confirmed if the potential accessory building as shown in the presentation was compliant. The visual impact of the building in that space was much more offensive than the proposed addition, the applicant did well to minimize visual impacts.
- Noise from the deck could impact the neighbours, however it was noted that this space could be used now and have the same impact.
- Surface parking could be an option; however the slope complicates that.
- There will not be adverse impacts to the environment, the applicant has stated he will be working to ensure the existing hedge is not damaged.
- A deck could be built here without variances, which would have the same potential impact to the neighbours. Setbacks have been respected, a variance is not needed for setbacks, only non-basement.

**MOTION: MOVED by A. Gill and Seconded by M. Horner: "That the following request to relax the requirements of Zoning Bylaw 2003, Sections 290.3 (c) further to the construction of an addition on Lot 5, Section 44, Victoria District, Plan VIP8533 (2924 Mt. Baker View Road) be APPROVED:**

- **Relaxation of the maximum non-basement floor area from 75% to 93.27%**

**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**

Hollydene Place Retaining Wall  
BOV #01008

**Applicant:** Illarion Gallant  
**Property:** 4041 Hollydene Place  
**Variance:** Relaxation of the maximum height for a structure within 7.5 m (24.6 ft) of the natural boundary of the ocean from 0.6 m (1.96 ft) to 3.3 m (10.8 ft).

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

**Applicants:** Illarion Gallant (applicant), Steve Saran (owners representative) and Brian Wilkes (biologist) were present in support of the application. The following was noted:

- The site was subject to a slope failure some time ago. The variance is needed to remediate the significant slope on this waterfront site.
- Intent of the design is to reinforce the slope, with a stepped edge of rock to armour from storms with gaps for planting and creating habitat.
- While the application describes this as a retaining wall, it will actually be a slope redesign which will ensure climate resiliency.
- Riparian function will be returned to this area, rather than a retaining wall which reduces biodiversity. The plant material will enhance biodiversity and protect the slope from erosion during storms.

**Discussions:** The following was noted in response to questions and comments from the Board:

- If the slope is not stabilized there is a potential for further storms and damage to other portions of the slope. This application will help prevent such issues in the future.
- Alternative options such as a taller retaining wall were considered, this would prevent restoration of riparian vegetation on the shoreline.
- An abundance of plant material will help with surface water retention.
- Considerations were made to enhance the natural environment and return the biodiversity to a natural state.

Planning staff provided the following clarifications:

- The variance is being estimated for the worst-case scenario. The height from the surveyor was confirmed and the slope is not expected to need the full variance extent of 3.3m; however, allowing up to this will ensure flexibility while completing the project in the event it is required.

The following was noted during Board discussions:

- The application will enhance the natural environment, it will not affect the environment or adjacent lands in a negative manner.
- Efforts to minimize the impacts of the design have been made.
- Slope from the home to the beach is a hardship. The bank has already failed due to erosion and will continue to erode if not remedied.
- Design and plantings have been well thought out, efforts to ensure minimal negative impacts have been made.

**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 5.16 (b) further to the construction of a retaining wall on Lot A, Section 44, Victoria District, Plan 40362 (4041 Hollydene Place) be APPROVED:**

- **Relaxation of the maximum height for a structure within 7.5 m (24.6 ft) of the natural boundary of the ocean from 0.6 m (1.96 ft) to 3.3 m (10.8 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.”**

**The Motion was then Put and CARRIED**

Blenkinsop Rd  
Setbacks

BOV #01015

**Applicant: Jie Liu**  
**Property: 4335 Blenkinsop Rd**  
**Variance: Relaxation of the minimum front yard setback from 7.5 m (24.6 ft) to 0.32 m.**  
**Relaxation of the minimum interior side yard setback from 3.0 m (9.8 ft) to 1.55 m.**

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

Applicants:

Jie Liu (applicant) was present in support of the application. The following was noted:

- There is an existing garage which was built around the 1940's, when vehicles were much smaller. It is not wide or tall enough to accommodate a modern-day vehicle.
- A steep driveway prevents aging family members from walking up to the house. There is a lack of space to park due to the existing building.
- The proposal will have the same setbacks as the existing slab, the footprint will be extended into the property and not effect neighbours.

Public input:

I. Gallant, Blenkinsop Road

- Neighbour in support of the application, the site is challenging.
- The proposed location has minimal impacts to flora and fauna.
- Parking options are limited on site; this is the best possible use of space.

Discussions:

Planning staff noted the following:

- Engineering staff have confirmed that there is no concerns related to sightlines with the proposed location of the building.

The following was noted during Board discussion:

- This location is ideal as it preserves the large established Garry Oak.
- A significantly sloped lot creates a hardship that is unique to this site.
- The slope means parking is limited and walking up the driveway from the street is difficult, especially when carrying groceries or for aging family members.
- The new garage will not be any closer to neighbours than the existing structure. Neighbours are supportive of the request.
- The house is significantly higher than the road, this is a unique lot.

**MOTION:**            **MOVED** by M. Cole and **Seconded** by M. Horner: “That the following request to relax the requirements of Zoning Bylaw 2003, Sections 101.7 (a)(i) & (ii) further to the construction of an accessory building on Lot 2, Section 51, Victoria District, Plan 6210 (4335 Blenkinsop Road) be **APPROVED**:

- Relaxation of the minimum front yard setback from 7.5 m (24.6 ft) to 0.32 m.
- Relaxation of the minimum interior side yard setback from 3.0 m (9.8 ft) to 1.55 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.”

**CARRIED**

Rock Street  
Height  
  
BOV #01017

**Applicant:** Jeff Grass  
**Property:** 1120 Rock Street  
**Variance:** Relaxation of the maximum height from 6.5 m (21.3 ft) to 7.47 m (24.5 ft).

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

**Applicants:** Jeff Grass (owner) was present in support of the application.

**Discussions:** The following was noted in response to Board questions and comments:

- The addition is for a new master bedroom and bath. Design was challenging due to the location of the stairs to access the addition.
- The average grade measurement during the survey was different than expected, in part due to the slope; this affected the height too.
- The western side had to be bumped out, this is the only portion that will be visible from the road.

Planning staff stated the following:

- The top portion of the roof is flat, the existing house roof is measured at midpoint due to it being sloped. This means that the new highest portion of the flat roof will be measured from the top.

The following was noted during Board discussion:

- This does not effect use or enjoyment of adjacent lands.
- Streetscape is not changing, the way the roof is measured for a flat roof vs pitched roof causes an issue here.
- This is a minor variance to an older style smaller home to ensure that it is suitable for generations to come.
- The roof on the addition will not be any higher than the existing home, it is just a difference in how the height is measured for flat vs. sloped.
- Renovating an existing home to conform with current bylaws can be challenging, especially in this situation due to the definitions.

**Public input:** Nil

**MOTION:**                **MOVED** by J. Uliana and **Seconded** by M. Cole: “That the following request to relax the requirements of Zoning Bylaw 2003, Sections 210.4 (b)(i), further to the construction of an addition on Lot 18, Section 32, Victoria District, Plan 3815 (1120 Rock Street) be **APPROVED**:

- Relaxation of the maximum height from 6.5 m (21.3 ft) to 7.47 m (24.5 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**

Vanalman Avenue Setbacks

**Applicant:** Gary Streight  
**Property:** 636 Vanalman Avenue  
**Variance:** Relaxation of the minimum front lot line setback from 7.5m (24.6 ft) to 3.5m (11.5 ft).

BOV #01018

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

Applicants:

Gary Streight (applicant) and Duane Lechane (owner) were present in support of the application. The following was noted:

- The orientation of the house front is on Vanalman Avenue, however the Zoning Bylaw definition means that the shorter lot line on Northridge Crescent is defined at the front yard.
- The north side of the lot is the obvious place for an accessory building.
- Setback requirements vary greatly from front yard to side yard.
- The house was built at the end of Vanalman Ave, Northridge Crescent was built after the house.

Discussions:

The following was noted in response to Board questions and comments:

- Neighbours are supportive of the application.
- This corner lot creates the hardship as there are two street facing lot lines. The accessory building would be compliant If the definition of front lot line was different, it would comply with side yard setbacks.

Planning staff confirmed the difference between setbacks for front lot and side yard setbacks, as well as the following:

- The shortest frontage lot line is defined as the front yard, in this case the front yard is considered to be along Northridge Crescent.
- If Northridge Crescent did not exist the application would be compliant.

The following was noted during Board discussion:

- The front lot line was Vanalman Avenue until Northridge Crescent was constructed. This creates a lot specific hardship.
- This is not an inappropriate application, neighbours are supportive.
- This does not adversely affect the natural environment.

Public input:

Nil

**MOTION:**            **MOVED** by M. Cole and **Seconded** by M. Horner: “That the following request to relax the the requirements of Zoning Bylaw 2003, Sections 5.34 (a)(i), further to the construction of an accessory structure on Lot 7, Section 99, Lake District, Plan 16289 (636 Vanalman Avenue) be **APPROVED**:

- Relaxation of the minimum front lot line setback from 7.5m (24.6 ft) to 3.5m (11.5 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**

Arbutus Road Setbacks  BOV #01021	<b>Applicant:</b> Maxwell Shepherdson <b>Property:</b> 2208 Arbutus Road <b>Variance:</b> Relaxation of the minimum front lot line setback from 15.0m (49.2 ft) to 7.52 m (24.67 ft).
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The Notice of Meeting was read and the applicant’s letter received.

**Applicants:** M Shepherson (applicant) and I & P Kelly (Owners) were present in support of the application, the following was noted:

- The owners work in the environmental field, considerations were made for placement that minimizes impact to the natural surroundings.
- A large hedge runs the length of the property to the left of the house.
- Building in other areas may impact the hedge or established trees.
- Currently there is a woodshed where the proposed accessory building would be built. This structure would be demolished.
- Trees and shrubs in the building footprint would be relocated to the back yard where possible. There would be a landscaped area between the house and accessory building to create visual appeal.

**Discussions:** The following was noted in response to questions and comments from the Board:

- The existing house was built well before the current Zoning Bylaw came into effect. The large lot means bigger setback requirements.
- If the lot was smaller, the setbacks would be half of what is required for this lot. This is unfair as the lot width is similar to others in the area.
- The lot is a narrow but deep lot, the sideyard setbacks are difficult due to the unusual shape and large lot size.
- The applicant is asking to have the same setbacks as neighbours in the area. Given they have similar street frontage this is fair.
- It is not feasible to put a garage on the waterfront side of the house for many reasons. It makes sense to have it on the street side.
- Considerations for alternate locations were made, this is the best spot.
- The hardship for the applicant is the fact their lot is large means the side yard setbacks are double that of smaller lots, despite having approximately the same front lot line size.

During Board discussion the following was noted:

- The shape of the lot is unusual, siting of the house on the lot is also different than where it would be today.
- Considerations to minimize effects on neighbours and the environment were made, this application is suitable for this location.

Public input: Nil

**MOTION: MOVED by M. Horner and Seconded by A. Gill: “That the following request to relax the requirements of Zoning Bylaw 2003, Section 275.3 (a) (i), further to the construction of an accessory building on Lot Pt 5, Section 45, Victoria District, Plan 1045 as outlined In red on 616\$ (2208 Arbutus Road) be APPROVED:**

- **Relaxation of the minimum front lot line setback from 15.0 m (49.2 ft) to 7.52 m (24.67 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**

West Saanich  
Setbacks and  
Height

**Applicant: Michael Kriberg**  
**Property: 4823 West Saanich Rd**  
**Variance: Relaxation of the minimum rear lot line setback from 7.5 m (24.6 ft) to 3.05 m (10.01 ft).**  
**Relaxation of the minimum interior side lot line setback from 3.00 m (9.8 ft) to 1.83 m (6.00 ft).**  
**Relaxation of the maximum height from 3.75 m (12.3 ft) to 4.15 m (13.62 ft).**

BOV #01022

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

Applicants: Michael and Vanessa Kriberg (owners); and Scott Rovers (designer) were present in support of the application. A letter from one neighbor was received.

Public input: Nil

Discussions: The following was noted in response to questions and comments from the Board:

- The site plan indicated what the allowable setback area would be compared to what the applicant is asking for.
- The lot is zoned agricultural although it is much smaller than the surrounding similarly zoned lots. If the zoning was residential this variance would not be needed as the building would be compliant.
- There is an existing patio, gazebo and living area, losing these is not ideal, nor is building on the septic field. Alternative options were considered however they were not favorable.

Planning staff stated the following:

- The setbacks on this agricultural lot are greater than they are for most residential zones, this is likely due to the rural nature to ensure less densification and to keep agricultural buildings away from lot lines.



Board discussion ensued with the following comments:

- The zone is not appropriate for this lot, the setback requirements of the zone are a hardship as they are typically imposed on a much larger agricultural property.
- If the lot a typical RS zone, this application would comply with bylaws.
- The request is a minor variance to resolve the zoning related hardship.

**MOTION:            MOVED by A. Gill and Seconded by M. Horner: “That the following request to relax the requirements of Zoning Bylaw 2003, Sections 101.7 (a)(i), (ii) & (b), further to the construction of an accessory building on Lot A, Section 106, Lake District, Plan 7641 (4823 West Saanich Road) be APPROVED:**

1. Relaxation of the minimum rear lot line setback from 7.5 m (24.6 ft) to 3.05 m (10.01 ft).
2. Relaxation of the minimum interior side lot line setback from 3.00 m (9.8 ft) to 1.83 m (6.00 ft).
3. Relaxation of the maximum height from 3.75 m (12.3 ft) to 4.15 m (13.62 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**

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** Clerks Note	Notice was given for BOV01020 (1265 Tattersall Drive) and BOV01014 (3131 Service Street) to be considered at the May 10 <sup>th</sup> , 2023 Board of Variance Meeting, however both applications were postponed until further notice.
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Adjournment	On a motion from A. Gill, the meeting was adjourned at 8:34 pm.
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Kevin Zuril, Chair

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

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Recording Secretary