

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
WEDNESDAY DECEMBER 13, 2023 AT 6:00 P.M.**

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

Regrets: M. Horner and K. Zirul

Staff: A. Whyte, Senior Planning Technician; C. Yancoff, Planning Technician and M. MacDonald, Senior Committee Clerk

Minutes: **Moved by A. Gill Seconded by M. Cole: “That the minutes of the Board of Variance meetings held October 11, 2023 be adopted as circulated.”**

CARRIED

Ivor Road Addition
BOV #01045

Applicant: Jarrod Hughes
Property: 372 Ivor Road
**Variance: Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 1.705 m (5.59 ft).
Relaxation of the minimum interior side lot line setback from 3.0 m (9.8 ft) to 0.169 m (0.55 ft).**

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

Applicants: J. Hughes and C. Anderson, owners, were present in support of the application, the following was noted:

- A front porch was added to the house to replace stairs that had deteriorate and were unsafe to use.
- Any change to the existing house will require a variance as it is existing non-conforming. No changes can be made without approval.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- When the house was purchased, there were steps to the front door which had rotted. The porch was built to replace the entry stairs. It was not realized that a variance was needed until after construction.
- The back stairs are built off the side rather than into the back yard to allow for a safe exit in the event of an emergency. There is also a septic field in the back yard which cannot be built on.
- The corner of the house is only 6 metres from the front lot line. Any stairs or steps will require a variance as the house is non-compliant.
- There is a significant grade change from the road to the house.

The following was noted during Board discussion:

- The front lot line is set back significantly from the road. The porch does not appear to be any closer to the road than what is seen in most compliant locations. The location of the lot line is not typical, which necessitates the variance.

- The request does not adversely affect the natural environment.
- The steep slope and septic in the back yard make it difficult to build within the areas which would not require a variance.
- If this lot was in a different location, it would likely be zoned residential rather than the current agricultural zone and setback requirements.

MOTION: **MOVED by and A. Gill Seconded by M. Cole: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Sections 101.5 (a) (i) & (ii) further to the construction of an addition on Block 40, Section 20, Lake District, Plan 1742 be APPROVED:**

- **Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 1.705 m (5.59 ft).**
- **Relaxation of the minimum interior side lot line setback from 3.0 m (9.8 ft) to 0.169 m (0.55 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

Michelle Place
Addition

BOV #01046

Applicant: MAC Renovations Ltd.
Property: 1624 Michelle Place
**Variance: Relaxation of the maximum rear lot line setback from 7.5m (24.6ft) to 5.38m (17.65ft).
 Relaxation of the maximum combined front and rear lot line setback from 15.0m (49.2ft) to 12.79m (41.96ft).
 Relaxation of the maximum non-basement floor area from 80% (232.44m²) to 98.34% (285.74m²).**

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

Applicants: K. Lydiat, applicant, and C. & I. Drake, owners, were present in support of the application, the following was noted:

- The application is to add space to accommodate lifestyle changes.
- The current home does not have sufficient space for activities.
- Enclosing the area on the lower floor should have been done when the house was built from a design perspective.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- A Right of Way in the back yard prevents an accessory building from being constructed. This limits space for storage or leisure activities.
- The addition to enclose a portion of the lower level will minimize impact to neighbours and the environment. Doing so will not expand the footprint of the existing house, only make better use of the area.
- The house is currently non-conforming, this is a minimal addition.

The following was noted during Board discussion:

- The request is a small increase to a non-conforming house in a relatively private location. The modest increase to the deck will not adversely effect neighbours or the natural environment.
- Enclosing the lower level makes sense as it minimizes impacts.
- Building in the allowable space in the rear yard area is not an option due to the right-of-way, this creates a site specific hardship.

MOTION: **MOVED by and M. Cole Seconded by A. Gill: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Sections 210.4 (a) (i) & (c) further to the construction of an addition on Lot 7 Section 67 Victoria District Plan VIP63077 (1624 Michelle Place) be APPROVED:**

- Relaxation of the maximum rear lot line setback from 7.5m (24.6ft) to 5.38m (17.65ft).
- Relaxation of the maximum combined front and rear lot line setback from 15.0m (49.2ft) to 12.79m (41.96ft).
- Relaxation of the maximum non-basement floor area from 80% (232.44m²) to 98.34% (285.74m²).

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

McAnally Road
Fence

BOV #01047

Applicant: Kim Pullen
Property: 3051 McAnally Road
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 2.52 m (8.27 ft) located above the natural boundary of the ocean.

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

Applicants: K. Pullen, owner/applicant, was present in support of the application, the following was noted:

- The fence was existing when the property was purchased.
- The property is adjacent to a popular beach, which is frequented by kayakers and families. Unfortunately, these beach visitors have gone around the fence into the back yard on numerous occasions. The trespassing issue would be much worse without the fence in place.
- Privacy is a concern; the residents have woken to strangers looking around the back yard and even people relieving themselves in the bush.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- One of the fence posts was removed as it was not on the property.

- The fence post marked number one is proposed to be moved within the property boundary, currently it is not within the property line.
- Issues were brought to the attention of Saanich Bylaw, who have requested the fence be brought into compliance or removed.
- The property line is defined by the high-water mark of the ocean, at low tide beach visitors can still walk around the fence into the yard.

The following was noted during Board discussion:

- The fence has been in place for many years, the visual impact is minimal as it is primarily wire between the posts, not solid wood panel.
- The use and enjoyment of the lot would be negatively affected if the fence was to be removed. Separation from the adjacent popular beach is necessary to reduce unwanted visitors.
- The fence does not defeat the intent of the bylaw, it is a modest solution to reduce the privacy issues specific to this lot.

MOTION: MOVED by A. Gill and Seconded by M. Cole: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Section 5.16 (b) further to the construction of a fence on Lot Pt 53, Section 44, Victoria District, Plan 501b except Plan 18770, as on 339r (3051 McAnally Road) 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 2.52 m (8.27 ft) located above the natural boundary of the ocean.**

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

<p>Kincaid Street Addition BOV #01048</p>	<p>Applicant: Rajan Saini Property: 4206 Kincaid Street Variance: Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 3.75 m (12.3 ft). Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 12.96 m (42.5 ft).</p>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: R. Saini, owner/applicant, was present in support of the application, the following was noted:

- The house is on a large corner lot, while the address is on Kincaid Street however the Kashtan Street lot line defined as the front.
- The Kashtan street side is most suitable for a deck, however the size of the deck is limited by the front lot line setback requirements.
- Building the deck in a different location would be cost prohibitive as well as create significant privacy and accessibility issues.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- Neighbours have indicated their support for this project.
 - Currently to access the yard residents are required to go out the main door, through the garage and into the yard. There are stairs and sloped terrain, making the back yard inaccessible for some.
 - Building the deck in the proposed location would allow for accessible outdoor space which can be enjoyed by all family members.

The Planning Technician stated the following in response to questions from members of the Board:

- The setback for a side yard would be 1.5 m at this location. If the lot line definitions were different this deck would be compliant.

The following was noted during Board discussion:

- This corner lot leads to difficulty as what appears to be the side yard is defined as the front yard, which has greater setback requirements.
- The proposed location is the ideal place for the deck. Building here will improve privacy for all and reduce environmental impacts.
- The layout of the lot creates hardship for the owners to build the deck.

MOTION: MOVED by M. Cole and Seconded by A. Gill: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 220.4 (a) (i) further to the construction of an addition (deck) on Lot 2, Section 65, Victoria District Plan 32991 (4206 Kincaid Street) be APPROVED:

- Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 3.75 m (12.3 ft).
- Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 12.96 m (42.5 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

<p>Jasmine Avenue Addition BOV #01049</p>	<p>Applicant: Les Leonard Property: 821 Jasmine Avenue Variance: Relaxation of the minimum interior side lot line setback from 1.5 m (4.9 ft) to 1.24 m (4.07 ft). Relaxation of the maximum non-basement floor area from 80% to 95.25%.</p>
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The Notice of Meeting was read and the applicant’s letter received.

- Applicants: L. Leonard, applicant, was present in support of the application, the following was noted:
- The renovation started decades ago, the initial plan was to have an elevator however it was realized that having stairs is also necessary.
 - Plans were changed to accommodate stairs, which meant adding to the bathroom which increased the non-basement floor area.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- A permit was applied for but not completed at the time, it was then cancelled as it had not been fully processed.
- The only neighbour who can see the house has expressed support.
- Tearing down the existing house, moving plumbing and rebuilding to comply with the bylaw would be a significant financial burden.
- The whole house is above grade, none is considered to be basement.

The following was noted during Board discussion:

- The building is already complete and has been used this way for many years, the variance would regularize the existing structure.
- Adjacent land is not affected by this, and there would not be any further impacts to the natural environment.
- The addition was built nearly 30 years ago, removing the additional space now would create a financial hardship.
- If the variance is not approved, there would be many materials sent to the landfill to remove the addition, as well as additional building materials required, which would negatively affect the environment.

MOTION: MOVED by A. Gill and Seconded by M. Cole: “That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 210.4 (a) (ii) & (c) further to the construction of an addition on Lot 5, Section 78, Victoria District, Plan 1171 (821 Jasmine Avenue) be APPROVED:

- Relaxation of the minimum interior side lot line setback from 1.5 m (4.9 ft) to 1.24 m (4.07 ft).
- Relaxation of the maximum non-basement floor area from 80% to 95.25%.

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

Queenswood Drive Addition BOV #01050	Applicant: Morrision Construction Property: 2535 Queenswood Drive Variance: Relaxation of the maximum height from 6.5 m (21.3 ft) to 8.11 m (26.61 ft). Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 6.5 m (21.3 ft) to 8.30 m (27.23 ft) for a flat roof (Single Face).
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: L. Morrison, applicant, and A. Nielsen, owner, and were present in support of the application, the following was noted:

- The owners wished to maximize the livable space in the attic, a decision was made to add shed dormers to enhance functionality without altering the peak height of the roof or the building footprint.
- Recently it was realized that the new dormer style has a lesser slope. As a result the roof is now considered a flat roof. This designation means that the allowable height is less than with a sloped roof.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- The height of the roof will not change, the design was to keep within the current height to avoid making the building bigger.
- New dormers were necessary to allow for sufficient head space in the attic area. This 1940's home requires more livable area.

The following was noted during Board discussion:

- The neighbour who is most impacted is supportive of the project.
- Given the location there are not other neighbours that are impacted.
- Building footprint and overall height are unchanged; only the way the bylaw defines the roof and maximum height are different.
- The lot is sloped, which affects the average grade calculation.
- Converting the dormers will allow additional floorspace and for the home to be more useable and family friendly. The house is still within the allowable gross floor area, this is not an inappropriate addition.

MOTION: MOVED by M. Cole and Seconded by A. Gill: "That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 290.3 (b) (i) & (ii) further to the construction of an addition on Lot 41, Section 44, Victoria District, Plan 3669 (2535 Queenswood Drive) be APPROVED:

- Relaxation of the maximum height from 6.5 m (21.3 ft) to 8.11 m (26.61 ft).
- Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 6.5 m (21.3 ft) to 8.30 m (27.23 ft) for a flat roof (single face).

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

Alan Road
Addition

BOV #01051

Applicant: McNeil Building Designs Limited
Property: 1248 Alan Road
Variance: Relaxation of the maximum non-basement floor area from 80% to 86.7%.

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

Applicants: R. McNeil, applicant, and K. & S. Bruce, owners, were present in support of the application, the following was noted:

- The rear portion of the house is below ground level, due to the slope of the lot the front is not as far below ground so it is not considered to be basement area.
- This modest addition to make the home more comfortable will push the non-basement floor area over the allowable amount.

Public input: Nil.

Discussions: The applicant stated the following in response to questions from members of the Board:

- Concerns were not raised by the neighbours.
- The addition is still within the allowable gross floor area.
- Living space on the main floor is needed. Expanding the basement was not practical and would require excavation and additional costs.

The following was noted during Board discussion:

- Only part of the lower floor is considered basement. This means a portion of the lower floor contributes to the non-basement percentage.
- Grade calculations on this lot due to the slope create a hardship. What is considered basement on one side of the house is not considered basement on the other side of the house.
- This minor addition does not affect the neighbours.
- Excavation to add more basement would be an unnecessary cost.
- The proposed addition is a suitable use of the site.

MOTION: **MOVED by M. Cole and Seconded by A. Gill: "That the following requests to vary from the requirements of Zoning Bylaw 2003, Section 205.4 (c) further to the construction of an addition on Lot 39, Block 1, Section 98, Lake District, Plan 1640 be APPROVED:**

- **Relaxation of the maximum non-basement floor area from 80% to 86.7%.**

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

Hillview Avenue
Single family
dwelling

Applicant: Nathan Boss
Property: 1658 Hillview Avenue
Variance: Relaxation of the maximum vertical portion of a dwelling within a 5.0m (16.4ft) of a vertical plane extending from the outermost wall from 7.5m (24.6ft) to 8.11m (26.61ft) for a sloped roof. (Single Face).

BOV #01052

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

- Applicants: N. Boss, applicant, was present in support of the application, the following was noted:
- This application is part of a subdivision of a large, sloped lot. The lower level and deck were redesigned during the process; however, the changes created an issue with the single face height.
 - The significant grade change contributes to the hardship.
 - This property has been owned by the family for a long time, this is not a development for financial gain, these will be homes for family.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- The site is challenging as it slopes from front to back and from east to west. Building on this lot is complex.
 - Attempts were made to change the design to allow for a design that would comply without needing a variance.
 - Inclusion of the secondary suite and height requirements for each storey mean that this variance was unavoidable given the slope.

In response to questions from the Board, the Planning Technician stated the following:

- Average grade is calculated as the lot is currently, however the finished grade will be higher as fill is brought in during the build.
- Due to the grade of the lot and technicalities of the subdivision, this site will be difficult to build a house with a suite that is compliant.

The following was noted during Board discussion:

- Site topography and slope create a significant hardship on this lot.
- The applicant made attempts to minimize the variance, this is a relatively minor variance given the slope.
- Finished grade will be different and may lessen the final variance.

MOTION: MOVED by A. Gill and Seconded by M. Cole: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 210.4 (b) (ii) further to the construction of a single-family dwelling with a secondary suite on Lot 1, Section 67, Victoria District, Plan 36485 (1658 Hillview Avenue) be APPROVED:

- **Relaxation of the maximum vertical portion of a dwelling within a 5.0m (16.4ft) of a vertical plane extending from the outermost wall from 7.5m (24.6ft) to 8.11m (26.61ft) for a sloped roof. (Single Face).**

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

Adjournment On a motion from J. Uliana, the meeting was adjourned at 8:14 pm.

J. Uliana, Chair

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

Recording Secretary