

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL  
**FEBRUARY 10, 2016 AT 5:00 P.M.**

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Members: H. Charania, D. Gunn, R. Kelley, R. Riddett  
Absent: R. Gupta  
Staff: K. Gill, Zoning Officer; T. Douglas, Senior Committee Clerk; D. Hopkins, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held January 20, 2016 be adopted as amended."  
CARRIED

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Wesley Road Addition  
BOV #00523  
**Applicant: Michael and Shauna Lukaitis**  
**Property: 5027 Wesley Road**  
**Variance: Relaxation of height from 5.0 m to 5.26 m**  
**Relaxation of single face height from 5.0 m to 6.04 m**

**Moved by D. Gunn and Seconded by R. Kelley, "That the application for Variance at 5027 Wesley Road be lifted from the table."**  
**CARRIED**

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

Applicants Shauna and Michael Lukaitis, owners, and Paul Heels, Designer, were present in support of the application and added the following points:

- Initial conversations with the Planning Department resulted in misinformation regarding measuring average grade.
- If the house was sited 5' to the west they would not have a problem with average grade.
- They have tried to soften the impact of the roofs; the central roof is higher than the ones to the side.
- This addition will not negatively impact the value of surrounding homes; if anything it will increase values as it will be a much better looking home in the neighbourhood.
- The existing views next door are narrow and are blocked by vegetation. A 12 foot hedge sits between the houses.
- A legal 6:12 pitch roof would cause more negative impact for views.
- The main problem is because of the deck, the average grade is low. If they were to change the design (eg. adding bay windows), the addition would be legal. The existing flat roof is overheight because of the deck.
- The neighbours moved in during a period when the solar panels on the house had been removed. These panels were about four feet high and their removal opened a view that the new neighbours thought originally existed. The view was never there to begin with.
- The hardship is the constraints due to the way average grade is measured.

In Favour Nil

In Opposition J. Hoyrup, 5025 Wesley Road:  

- Has no further comments; the Board has his objection on file.
- Confirmed the applicant did not provide further information regarding their application since the last meeting, but wasn't really expecting them to.

In response to question from the Board, the applicants and designer stated:

- They did not communicate further with the neighbours.
- The house is designed to match the existing garage. If they do not match this may decrease their property value. A legal roof would look worse.
- They were not able to place the marker which shows the variance request as requested by the Board at the last meeting.
- The design is more aesthetic than functional. They would need to have seven foot ceilings with a flat roof in order to make it comply with the bylaw.
- The owner mistakenly advised the Chair at the site visit that the beam on the east side of the deck would be the highest point; the measurements and variance were clarified.

In response to a comment that the Board isn't there to rule on design, the Chair advised that the Board can question anything, including aesthetics, if it is perceived to have a negative impact on the neighbourhood.

The Zoning Officer explained the zoning and that in this particular area, views are protected.

**MOTION:**

**MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 255.4(b)(i) and (ii), further to the construction of an addition to the house on Lot 2, Section 30, Victoria District, Plan 7315 (5027 Wesley Road):**

- a) relaxation of height from 5.0 m to 5.26 m
- b) relaxation of single face height from 5.0 m to 6.04 m

**And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 10, 2018, if not acted upon."**

Board comments:

- The variances are minor and does not substantially impact the views.
- The applicant tried to minimize the impact with the design.
- The single face variance could be reduced by lowering the clear storey but this looks to be the best design.
- This is a technical issue due to the footprint of the house. A roof that complies would be higher.
- The impact of a 6:12 pitch versus the proposed option on the applicant's view is a material difference unlike what they claimed.
- This is a special zone; Saanich provided extra restriction on heights.
- No markings were done; they could have been placed on the chimney. No further communication happened with the neighbours.
- The single face height is a 20% increase.

**The Motion was then Put and CARRIED  
H. Charania OPPOSED**

Burnside Road  
West  
New house

**Applicant: Ryan Macleod OBO Cindy Davis**  
**Property: 1230 Burnside Road West**  
**Variance: Relaxation of height from 6.5 m to 6.91 m**  
**Relaxation of single face height from 6.5 m to 7.21 m**

BOV #00533

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from D. and M. Shaw, 1217 Tall Tree Place.

Applicants Ryan Macleod and Cindy Davis, owners, were present in support of the application. They noted that the lot is very steep and the property is within the Environmental Development Permit Area (EDPA). The slope of the driveway varies from 15% to 24%, and there are a couple of gas lines on the street in a location which is just on the edge of safe distance for blasting.

- In response to question from the Board, they noted:
- The trees on site were marked for the Parks Department which has given approval for some tree removals.
  - They have the support of their neighbours.
  - The EDPA area is at the back of the property.
  - They have owned the lot since January 1, 2016.
  - They did their due diligence by learning about the EDPA; talking to Fortis regarding services; learning that the driveway infringes on the Park. They went through a thorough checklist of items.
  - The hardships include difficulty with siting with the EDPA and the slope of the property. The nearby gaslines are also of concern as blasting is risky, however the solid bedrock needs to be blasted for footings.
  - They are being permitted to tie into the nearby storm drain.

The Zoning Officer confirmed that the survey says that they are over height. In response to a question about placing a protective covenant on the property, he stated that this would not accomplish much as they are in the EDPA and there are other lot restrictions that would prohibit excessive building. He further had the applicant confirm that there is a four foot separation from the wall of the house to the garage and that there is a two foot bird's eye view between the gutters.

A discussion occurred about the lot square footage. The EDAP does constrict the building area.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by D. Gunn and Seconded by R. Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 295.3(b)(i) and (ii), further to the construction of a new house on Lot 9, Section 16, Victoria District, Plan 851B (1230 Burnside Road West):**

- a) relaxation of height from 6.5 m to 6.91 m
- b) relaxation of single face height from 6.5 m to 7.21 m

**And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 10, 2018, if not acted upon."**

- Board comments:
- This is a minor variance and there is a hardship to construct anything within the EDPA.
  - The building is of appropriate size and massing.
  - The applicant is working within the current Bylaw as best he can. This will not impact neighbours as the property is heavily treed.

- The primary reason for the applicant's concern is the safety associated with the blasting.
- Further protection of the environment would have been a desired outcome.

**The Motion was then Put and CARRIED**

Mount Douglas  
Cross Road  
New house  
  
BOV #0035

**Applicant: Gurdip Binning**  
**Property: 1542 Mount Douglas Cross Road**  
**Variance: Relaxation of front lot line from 15.0 m to 7.64 m**  
**Relaxation of rear (north) lot line from 12.0 m to 7.0 m**  
**Relaxation of rear (east) lot line from 12.0 m to 10.50 m**

The Notice of Meeting was read and the applicant's letter received. Letters not in support received from L. and N. Lewthwaite, 1559 Mt. Douglas Cross Road; G. and E. Sebastian, 1547 Mt. Douglas Cross Road.

Applicants

Will Peereboom, Victoria Design Group, was present in support of the application. He noted that the lot is large and irregular in size; the bylaw is very restrictive in terms of placement of a house. The proposed house placement maintains the existing greenspace.

In Favour

Nil

In Opposition

G. Sebastian, 1547 Mount Douglas Cross Road:

- Prefers the aesthetic value of the existing old house, which fits in with the neighbourhood.
- The proposed replacement house is very large; it would be preferred if the developer could scale back the house closer to what presently exists.
- There was no consultation with the neighbours.

M. Butterfield, 1543 Mount Douglas Cross Road:

- Provided historical information about the existing house on the lot (it was a hunting lodge).
- The proposed house is quite big and more damaging to the environment. It will also be higher than the existing properties due to the design and layout of the land.
- The owner should have been aware of the constraints of the property; they did not do their due diligence on the property.
- The claim is that the proposed house is on the edge to preserve greenspace; it is believed that they are siting it to the side in order to subdivide the property in the future.
- Would like to see a covenant on the property that preserves the use as a single lot.
- Retaining the foliage along the current driveway is very important to privacy.

K. Johnson, OBO Saanich Heritage Foundation:

- This is a registered heritage house built in 1913 and is one of the largest farmhouses in Greater Victoria.
- Feels the existing 4,000 square foot home is a good size and can be readily restored. This would add more to the neighbourhood than a new house would.

In response to questions from the Board, Mr. Peereboom stated:

- The existing house is a Council matter; a demolition permit has been applied for.

- The applicant will live in the house; the house will meet all height requirements.
- The proposed buildings will partially fit into the existing footprint; much of the new house will be tucked into a bank.

The Chair expressed disappointment that the applicant did not have any comments on the value of the heritage house. He suggested to the Board that this application be tabled till after Council has dealt with the demolition permit application.

**MOTION:**

**MOVED by D. Gunn and Seconded by R. Kelley: "That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(i) and (ii), further to the construction of a new house on Lot A, Section 55, Victoria District, Plan 48141 (1542 Mount Douglas Cross Road) be DENIED:**

- a) relaxation of front lot line from 15.0 m to 7.64 m
- b) relaxation of rear (north) lot line from 12.0 m to 7.0 m
- c) relaxation of rear (east) lot line from 12.0 m to 10.50 m."

## Board comments:

- A hardship existed prior to the purchase of the lot; the applicant is an experienced developer and should have known this.
- The purpose of the Bylaw is to keep space between the houses; this application encroaches on setbacks.
- This should go to Council for a Development Variance Permit.
- The building area is very small for the lot. Would like to see this go to Council first for the demolition permit, and then to this Board for consideration.
- Due diligence was not done. The existing house meets the rear lot lines but the proposed house does not; this is making an existing non-conformity larger.

**The Motion was then Put and Carried  
R. Riddett OPPOSED**

## Adjournment

On a motion from R. Riddett, the meeting was adjourned at 7:10 p.m.

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Haji Charania, Chair

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

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Recording Secretary