

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
APRIL 13, 2016 AT 7:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley
Absent: R. Riddett
Staff: L. Gudavicius, Zoning Officer; D. Blewett, Zoning Officer; T. Douglas, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held March 9, 2016 be adopted as amended.

CARRIED

McAnally Road **Applicant: Ryan Hoyt Designs OBO Adam and Daisy Orser**
New house **Property: 3049 McAnally Road**
 Variance: Relaxation of single face height for the peaked portion of
BOV #00540 **the roof from 7.5 m to 8.8 m**
 Relaxation of single face height for the flat portion of the
 roof from 6.5 m to 7.5 m

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

Applicants R. Hoyt, designer and applicant; A. Orser, owner; and D. McKenzie, contractor, were present in support of the application. Mr. Hoyt described that the house is positioned behind a rock that is protected by the Environmental Development Permit Area (EDPA) and that the average grade is high because of the grade undulation. He also provided an explanation of the variance request for the peaked and flat roof portions; overall height is within the bylaw requirements.

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

- The rock outcropping is part of the coastal bluff and protected by the EDPA. The footprint was pulled back because of the high land slope.
- They will ask for an amendment to an existing Development Variance Permit which was granted to the previous owner, as the current owner wishes to change the location of the house. There is only a site plan attached to the DVP, not a house plan.
- They considered moving the house back, however the front lot setback, driveway access, and the location of a natural pond that they would like to keep prohibit them from doing so.
- The way the math works out, they will need a variance no matter what. They have planned the house for the lowest spot on the property.
- They do plan to blast some rock to place the garage into the hillside.
- The existing garage is used for storage for a business and the stored items will be moved. This building will not be a residence and they will apply to change it to an accessory building once all is done. They may be back to the Board for a height variance for this building once its use is changed.
- They are aware of the permitted use of the existing building and that if it is used as a residence after the new house is built it will be considered illegal.
- They have no knowledge of a variance for the property back in 1996 and they are not aware of any pre-conditions of the subdivision.
- In addition to the lot constraints, another hardship is that building a home behind a rock is not desirable and the owner did pay for ocean views. Also, the Saanich bylaws pertaining to height are a challenge.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by D. Gunn and Seconded by R. Gupta: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(b)(i) and (ii), further to the construction of a new house on Lot 1, Section 44, Victoria District, Plan 18770 (3049 McAnally Road):**

- a) relaxation of single face height for the peaked portion of the roof from 7.5 m to 8.8 m
- b) relaxation of single face height for the flat portion of the roof from 6.5 m to 7.5 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on April 13, 2018, if not acted upon.”

Board comments:

- The EDPA dictates the location of the house.
- The home is a modest height and does not impact the neighbouring views.
- There was a lot of thought put into the design and effort was made to reduce massing.
- Rocky outcrops and difficult topography are a hardship.
- This will have to go through the EDPA process.
- The applicant will come back for a decision on the accessory building when it is changed from being a principal residence.
- The Board is aware that this accessory structure cannot be used for a residential use.

The Motion was then Put and CARRIED

Cordova Bay Rd **Applicant: Lindsay Baker OBO Marie Louise Wessel**
 No Variance **Property: 5091 Cordova Bay Road**
 change in plans **Variance: No Variance – plan change only**

BOV #00474 The Notice of Meeting was read and the applicant’s letter received.

Applicants L. Baker, Aspire Custom Designs, applicant, and Marie Louise Wessel, owner, were present in support of the application.

Mr. Baker noted he was not part of the original variance request but has taken over the design. The new design has stepped roofs and better massing for the adjoining neighbours. In response to questions from the Board he noted that they will lift the house to tie the old concrete foundation to the new materials; the joists will remain and the level of the floor will be unchanged. The basement height is approximately eight feet.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by R. Gupta and Seconded by R. Kelley: “That the request for approval of the revised plans for an addition to the house at Lot 19, Section 30, Lake District, Plan VIP4101 (5091 Cordova Bay Road) be granted.”**

Board comments:

- A variance was previously granted.
- The drawings are improved from the first application and will suit the family better.
- The constraints of the lot created a hardship for the applicant.

The Motion was then Put and CARRIED

Killarney Road
Accessory
building

Applicants: Tom, Wade, Allison and Bradley Moore, Trustees
Property: 2660 Killarney Road
Variance: Relaxation of height from 3.75 m to 4.90 m

BOV #00542

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from M. and C. Hall, 2657 Killarney Road; C. and D. Lawrence, 2646 Killarney Road; J. Stein and I. Corman, 2562 Killarney Road; C. Boyd, 2565 Killarney Road.

Applicants

T. Moore, applicant, was present in support of the application, and in response to questions from the Board he stated:

- He has received a permit from Environmental Services to reconstruct the house.
- He plans to build a cottage/studio and live in it while building the principal residence. He will de-commission the cottage/studio when he moves over.
- The studio will be used as an occasional guest house when his child/grandchild visits.
- If rejected this would mean he could not have an accessory building on site and would instead have to redesign and construct a two-storey house, which is permitted. He would prefer to live in a single storey house.
- The fence that is outside of the property line was built by Saanich; it is settling, deteriorating and suffering from peat bog and sand dunes, just as the house is.
- His property will have a two-car garage and two additional parking spots.

In Favour

C. Boyd, 2656 Killarney:
▪ Is in support of the application.

In Opposition

Nil

MOTION: **MOVED by D. Gunn and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.5(b), further to the construction of a new accessory building on Lot A, Section 44, Victoria District, Plan 46629 (2660 Killarney Road):**

a) relaxation of height from 3.75 m to 4.90 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on April 13, 2018, if not acted upon.”

Board comments:

- This is an appropriate redevelopment and will improve the adjacent views.
- A two-storey house would have greater impact, be more disruptive and costly as well. This plan is a better alternative.

- The applicant has received geotechnical advice to raise the floor because of the floodplain.
- The Board noted that a guest house is not a permitted use and that this may need to be monitored.

The Motion was then Put and CARRIED

Sea Point Drive
Addition

Applicant: Duncan Davies
Property: 2925 Sea Point Drive
Variance: Relaxation of front lot line from 15.0 m to 11.12 m

BOV #00543

The Notice of Meeting was read and the applicant's letter received. Letter of support received from J. Russell and M. Quong, 2909 Sea Point Drive.

Applicants

Jan Jarmula, Architect, and Duncan and Cindy Davies, owners, were present in support of the application and stated:

- The house was built in 1971 and they are looking to improve the workability of the house; the existing carport barely fits their cars.
- If they enclose the existing structure, there would be very little space for exhaust circulation, which is a safety issue.
- The renovation will improve access to the back of the house.
- They are only asking for two feet.
- The existing foundation is failing and they needs repair.

In response to questions from the Board, the following was noted:

- The foundation has subsided; there used to be a wall and footings but they are broken and have settled a few inches. This has affected the roof.
- The relaxation is needed because of the angle, it is only two feet but is on the corner.
- The garage will sit about 28 inches closer to the road after constructed.
- The roof portion of the garage will not be used as a deck.
- The house and carport are already non-complying.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Gupta and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 290.3(a)(i), further to the construction of an addition to the house at Lot A, Section 44, Victoria District, Plan 20257 (2925 Sea Point Drive):

a) relaxation of front lot line from 15.0 m to 11.12 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on April 13, 2018, if not acted upon."

Board comments:

- The existing structure is already in non-compliance and does not impact the neighbours.
- The foundation needs replacement and this is a minor variance.
- There is hardship with having a small garage.

The Motion was then Put and CARRIED

Durrance Road Addition
 BOV #00544
Applicant: Daniel Scheutze, Villamar Construction OBO Susan Bouma and Will Rozendal
Property: 180 Durrance Road
Variance: Relaxation of height from 7.5 m to 9.3 m

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

Applicants Duane Ensing, Villamar Construction, applicant, and Susan Bouma and Will Rozendal, owners, were present in support of the application.

Mr. Ensing stated:

- His clients would like to have a farmhouse style home by adding to the existing dwelling rather than demolish it.
- The property is large and with the nearest neighbouring house being 42.5 metres away, there is no impact to neighbouring views.
- The neighbours are in support of the application.
- The average existing grade causes problems and a need for variance.

In response to questions of the Board the following was noted:

- The owners have five children and need a bigger house. They like the character of the existing house and would like to keep as much of it intact as they can.
- It is more economical to build an addition than to demolish and rebuild.
- They are presently living on the property in trailers.
- The foundation of the existing house has been inspected by a structural engineer.
- They are basically just bumping a wall over and putting a floor on top of the existing house.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Kelley and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 122 and 123, further to the construction of an addition to the house on Lot 7, Sections 122 and 123, Lake District, Plan 6113 except parts of Plan 18177 and Parcel A (DD 191332-1) (180 Durrance Road):

a) relaxation of height from 7.5 m to 9.3 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on April 13, 2018, if not acted upon."

Board comments:

- They have done the best with the existing foundation. The intent to salvage the existing house creates a challenge.
- They have a large family and need the space.
- This is the only flat area to build; it does not affect any neighbouring views.
- This is a rural property and the land contours dictate the design which is appropriate to the site.
- They had considered other design options.

The Motion was then Put and CARRIED

Vantreight Drive
New house
BOV #00545

Applicant: Christine Lintott, Architect OBO David Price
Property: 4661 Vantreight Drive
Variance: Relaxation of rear lot line from 11.0 m to 3.0 m

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from N. and L. Ketterer, 4660 Vantreight Drive.

Applicants Christine Lintott, Architect, applicant, and David Price, owner, were present in support of the application and had nothing to add.

The Board noted the change in the setback compared to last month, and expressed appreciation that the finished elevation was shown in the plans. They commended the applicant for the effort in meeting with the concerned neighbours and trying to adhere to the bylaw as much as possible.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Gupta and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 290.3(a)(ii), further to the construction of a new house on Lot 1, Section 85, Victoria District, Plan 2617 (4661 Vantreight Drive):

a) relaxation of rear lot line from 11.0 m to 3.0 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on April 13, 2018, if not acted upon."

Board comments:

- The application was straightforward and mitigated the concerns raised at the last meeting.
- The change in plans are improved and result in less impact to the neighbours.
- The five-sided lot creates a hardship, as does the definition of the rear lot line in the Zoning Bylaw.

The Motion was then Put and CARRIED

Grange Road
New house
BOV #00547

Applicant: Balbir Kahlon
Property: 3937 Grange Road
Variance: Relaxation of front lot line from 6.0 m to 5.18 m
Relaxation of rear lot line from 7.5 m to 5.38 m
Relaxation of combined front and rear lot line from 15.0 m to 10.56 m.

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

Applicants Balbir Kahlon applicant, and Raj Kahlon, family member, were present in support of the application. Mr. Kahlon noted that the hardship is with the narrow lot and the setbacks. Their design is to be not too big, but liveable.

In Favour Nil

In Opposition Mr. and Mrs. Betts, 993 Jasmine Avenue:

- Expressed concern about the height of the proposed house as it is closer to the rear property line.

- The applicant blasting the rock causes concern as their foundation is on the rock.
- There was a smaller house there before which was about 1,200 sq. ft.

K. Clarkson, 3933 Grange Road:

- Understands that the applicant needs a home but the proposed house is big for the neighbourhood and will loom over the area.

It was noted that the previous house was nonconforming, sitting 3 metres from the front setback and 7.2 metres from the rear, with a combined 10.2 metres. The proposed house size is within the allowable 2,669 square feet for this zone.

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

- He will not blast the rock; they can break it apart by plucking it.
- They did not plan the house to be closer to Grange Road because they wanted to make it even with other homes, and to avoid a height issue.

The Board noted that the site is relatively level, except for the area with the rock. The neighbour's house is about a metre below this and the proposed house where it stands will cast a shadow. If the house was moved back a little it would be better. A suggestion was made to move the house back to the legal site, and relax the front lot more. It was also noted that most houses on the street violate the current setbacks.

It was suggested that this application be tabled in order for the applicant to meet with the neighbours to address their concerns. The applicant indicated no opposition to moving the house closer to Grange Road.

MOTION:

MOVED by R. Kelley and Seconded by R. Gupta: "That the following request for variance from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of a new house on Lot 1, Section 79, Victoria District, Plan 1328 (3937 Grange Road) be TABLED for one month:

- a) relaxation of front lot line from 6.0 m to 5.18 m
- b) relaxation of rear lot line from 7.5 m to 5.38 m
- c) relaxation of combined front and rear lot line from 15 m to 10.56 m"

The Motion was then Put and CARRIED

Adjournment On a motion from R. Gupta, the meeting was adjourned at 9:05 p.m.

Haji Charania, Chair

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

Recording Secretary