

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL
JUNE 8, 2016 AT 5:00 PM

Members: H. Charania, D. Gunn (Chair), R. Gupta, R. Kelley, R. Riddett
Staff: K. Gill, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by H. Charania and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held May 11, 2016 be adopted as amended."

CARRIED

Moved by R. Riddett and Seconded by R. Gupta: "That the minutes of the Special Board of Variance meeting held May 18, 2016 be adopted as amended."

CARRIED

Glanford Avenue **Applicant: Shawn Katona OBO Buckshire Consulting Inc.**
Existing stairs **Property: 4092 Glanford Avenue**
Variance: Relaxation of exterior side lot line from 3.5 m to 2.85 m

BOV #00554

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

Applicants

Shawn Katona, applicant/carpenter, was present in support of the application. He explained that the proposed landing within the flight of stairs will improve ease of access and movement. The original straight flight of stairs sat on top of a sump pit and ended at a fence, which was restrictive.

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

- If denied the variance, he will have to remove the stairs.
- Building a straight set of stairs from the ground up to the deck would not meet the Building Code because the landing would be only 24 inches.
- The set of stairs is needed as secondary access or egress in case of emergency.
- There are rental suites on both levels of the house.
- The footprint and size of the deck has not changed. The stairs are three feet wide.
- A permit was obtained prior to starting the work. He amended the plan without getting a new permit because the change made to the plans followed the Building Code and he didn't think this change would be an issue. The change was discovered during the inspection.
- The fence was built about 3-4 years ago.

The Zoning Officer confirmed that stairs cannot be less than three feet wide according to Code.

It was noted that there were no markings on the site, and when a professional is involved the Board expects better diligence.

In Favour Nil

In Opposition Nil

MOTION: **MOVED** by R. Riddett and **Seconded** by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(iii), further to allowing an existing reconstructed set of stairs remain as is to the house on Lot B, Section 82, Victoria District, Plan 25768 (4092 Glanford Avenue):

- a) relaxation of exterior side lot line from 3.5 m to 2.85 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 8, 2018.”

Board comments:

- The Building Code requires a break partway through the stairs, and it is not practical to extend the stairs.
- This does not go against the intent of the Bylaw or detract from the visibility on the corner.
- This is a minor variance, is safer than a straight set of stairs, and has no impact on the neighbours or view from the street.
- The landscaping presents another hardship.
- The house is rented by two separate tenants and this will provide better access for all.

The Motion was then Put and CARRIED

Westbank Street
Existing deck

BOV #00553

Applicant: Matthias Hoffecker and Ira Hoffecker-Sattler
Property: 4691 Westbank Street
Variance: Relaxation of interior side lot line from 1.5 m to 0.10 m
Relaxation of combined interior side lot lines from 4.5 m to 2.12 m

The Notice of Meeting was read and the applicant’s letter received. Letter not in support received from R. Sahota obo H. and J. Sahota, 4566 Cordova Bay Road. Signatures of no objection received from B. and L. Friedmann, 4685 Westbank Street; and P. Shepard, 4576 Cordova Bay Road.

Applicants

Matthias Hoffecker and Ira Hoffecker-Sattler, applicants/owners, were present in support of the application, and noted the following:

- They purchased their home in 2006 and the deck was shown as being part of the house. They learned later that the plans they saw were realtor plans and not the actual building plans.
- The deck had become shaky and unstable and they were concerned about the safe use of the deck.
- They have a history of doing all their renovations with a permit; they did not get a permit for this renovation as they thought they were just reinforcing an existing unsafe deck.
- The suite above the garage is not a rental. Their son has been living there for the past 18 months and prior to this their parents stayed there.
- They are surprised about the letter of opposition because the deck has always been there, and it has never been an issue in the past.
- They are asking to keep the deck and to repair it for safety issues.

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

- There are some minor changes to the deck that probably amount to being an addition about the size of an i-phone.

- The person who did the construction fixed the stairs by making them less steep, and they re-did the concrete posts properly.
- The deck does partially overlook the neighbouring yard but mostly faces into the park. They are not interested in the neighbours, they love the view of the forest.
- They are willing to consider changing the screening from glass to another material.
- They learned about the problem when someone from Saanich showed up and put a stop to the work.
- Prior to purchase, the property was a Bed and Breakfast.
- There are two entrances outside and one inside. The main entrance used is via the deck in question.
- The garage below the suite is used for vehicles.

In response to a question the Zoning Officer stated the old existing deck would not have complied as it was an add-on and not in the original plans.

Board members noted:

- A replacement is different than a repair; this is considered a replacement.
- It is obvious that some boards, stringers and attachments to the house are original, and that the beams and floor boards are new.

In Favour Nil

In Opposition Nil

MOTION: MOVED by H. Charania and Seconded by R. Gupta: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(iii), further to allowing a reconstructed deck to remain as is to the house on Lot D, Section 24, Lake District, Plan VIP63548 (4691 Westbank Street):

- a) relaxation of interior side lot line from 1.5 m to 0.10 m
- b) relaxation of combined interior side lot lines from 4.5 m to 2.12 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on June 8, 2018."

Board comments:

- The applicant has obtained many permits over the years for renovations.
- The deck is needed for access and emergency egress; if removed it would be a hardship.
- The owners have shown a history of due diligence. This was an oversight of the contractors.
- The previous existing deck was in poor condition and a safety concern.
- The previous existing deck looked into the neighbour's yard.
- The neighbour has privacy concerns and, although it is not a condition of approval, the applicant may want to consider screening of some sort.
- A considerable amount of the old deck remains; the repair was done professionally. The degree of setback intrusion was already there.

The Motion was then Put and CARRIED

Vantreight Drive
Staircase
Applicant: Illarion Gallant OBO Dan Goldberg
Property: 4645 Vantreight Drive
Variance: Relaxation of height from 0.60 m to 2.5 m

BOV #00555

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from B. Broadland, 4641 Vantreight Drive.

Applicants

Illarion Gallant, applicant and Mr. Ketcheson, builder, Aryze Developments, were present in support of the application and had nothing to add. In response to comments and questions of the Board they stated:

- The bank was marked at the top and bottom with paint and the 15 and 30 metre buffer zones were also marked.
- The hardship is the need for safe access to the beach that conforms to the Building Code. The railing height is the issue.
- The design is based on the site conditions and is the most practical application.
- Environmental Services has said that beach access is permitted with a light touch, so the stairs are designed to not touch the bank at all. They will not cause erosion or impact the bank in any way.
- The stairs are on a 35% slope; the intent is to only touch on the top and bottom; rollers will be placed on the bottom to move with the ground.
- The new owner hired a biologist to do erosion work.
- They are at the permit stage and are anxious to do the work in good weather.
- There is a goat trail down to the beach on the south.

The Zoning Officer advised that a previous variance granted was not intended for beach access.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 5.16(b), further to the construction of a set of stairs on Lot 6, Section 85, Victoria District, Plan 2617 (4645 Vantreight Drive):

a) relaxation of height from 0.60 m to 2.5 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 8, 2018, if not acted upon."

Board comments:

- The railing is needed for safety, and this is what triggered the variance.
- The design is the best engineering solution.
- There is no conflict with the intent of the bylaw; which is for buildings, not see-through structures.
- They have done their due diligence, hired the appropriate professionals, and tried to comply as best they can.
- There is hardship with being in the Environmental Development Permit Area.
- There is hardship with needing safe beach access. Using the existing trail nearby damages the surrounding ecology and is not safe.

The Motion was then Put and CARRIED

Braefoot Road Addition
BOV #00556

Applicant: Kyle Leggett, Java Designs OBO Aiyang Ma
Property: 4050 Braefoot Road
Variance: Relaxation of overall height from 7.5 m to 8.06 m
Relaxation of single face height from 7.5 m to 8.90 m

The Notice of Meeting was read and the applicant's letter received. The Secretary noted that a new BCLS Letter of Assurance, and a new set of plans were received regarding this application on June 6, 2016, requesting smaller variances than the Notice stated.

Letter of no objection received from J. Craveiro, 4060 Braefoot Road.

Applicants

Aiyang Ma and Hui Chen, owners, were present in support of the application. Ms. Ma noted they purchased the house in January and it needs renovations in order to make the many sunken rooms all the same level. Her parents, who have mobility issues, will also live at the house.

In response to questions from the Board, Ms. Ma and Mr. Chen stated:

- The master bedroom and the family room need to be raised 30 inches and the living room will need to be raised by 16 inches to make the floor level.
- The variance is for a change in the roof which will occur after the floors are raised.
- The plan was changed on June 6th because they wanted a lower roof.
- The ceiling height will be eight feet in most areas and ten feet in other areas.
- They knew renovations would be needed; they bought the house as is because of the difficult housing market; there is no perfect house out there.
- The house was previously rented to students.
- The hardship is the mobility issues of the owner's parents .

It was noted that the house is zoned A1, but is only 2.38 acres in size. The owner cannot build another house on the lot and does not want to.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by H. Charania and Seconded by R.Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(b)(i) and (ii), further to an addition to the house on Lot 10, Section 32, Victoria District, Plan 4181 (4050 Braefoot Road):

- a) relaxation of overall height from 7.5 m to 8.06 m
- b) relaxation of single face height from 7.5 m to 8.90 m

And further that the variances so permitted be in accordance with the plans submitted to the Board on June 6, 2016, and expire on June 8, 2018, if not acted upon."

Board comments:

- The owner has ailing parents and would like to keep the family together, they have shown a need and a hardship.
- The renovation does not change the form or character of the home.
- The existing average grade with the slope also causes an issue/hardship.

- The owner was not well served by the applicant in terms of marking the site and providing access.
- Inside access was needed. It is difficult to approve something that was not viewed.
- The designer put the application in jeopardy. There is a hardship and this does not impact the neighbours or the environment.

**The Motion was then Put and CARRIED
with R. Gupta OPPOSED**

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- Other business**
- Discussion about the wording of motions and approval letters, and the expiry of variances. Secretary to submit proposed wording to the Legislative Manager.
 - Discussion about identification of Board members on site visits. Secretary to update Board ID and provide heavier lanyards.
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Adjournment On a motion from R. Gupta, the meeting was adjourned at 7:11 p.m.

Don Gunn, Chair

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

Recording Secretary